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A report from the
Solicitor General's
**SPECIAL
COMMITTEE
ON POLICE
PIRSUITS**

KF
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O57
1985



KF	Ontario. Ministry of the Solicitor
5399	General. Special Committee on
O57	A report from the Solicitor
1985	General's Special Committee on
	Police Pursuits

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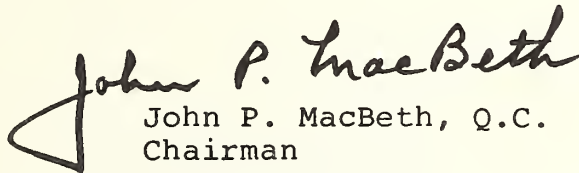
MINISTRY OF
SOLICITOR GENERAL

The Honourable Ken Keyes
Solicitor General for Ontario
Queen's Park
Toronto, Ontario

Dear Mr. Minister:

On behalf of the members of the Solicitor General's
Special Committee on Police Pursuits, I am pleased
to submit this important report for your consideration.

I trust, Sir, that our report will be of assistance
to you in your deliberations. On behalf of all members
of the committee, I wish you wisdom as you consider
its contents.


John P. MacBeth, Q.C.
Chairman

J. Kirby Best

Supt. Donald L. Dowser

Charles R. Eddie

Dr. J. Paul Grayson

Mayor Dick Illingworth

Chief Carl Johnson

Staff Sgt. Robert Morrison

Alfred Oakie

Hugh Waddell



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**SOLICITOR GENERAL'S
SPECIAL COMMITTEE
ON POLICE PURSUITS**

REPORT

DECEMBER 20, 1985

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PART ONE

INTRODUCTION

Roster of Committee Members

Mr. John P. MacBeth, Q.C., Chairman
Vice-Chairman, Ontario Police Commission

Mr. J. Kirby Best
President
T.H. Best Printing Co. Ltd.

Supt. Donald L. Dowser
Nominated Representative of
Ontario Provincial Police
(Traffic Programs Branch)

Mr. Charles R. Eddie, P. Eng.
President
C.R. Eddie Engineering
Member of the Society of
Automotive Engineers

Dr. J. Paul Grayson
Associate Professor of Sociology
York University

Mr. Dick Illingworth
Mayor of Aurora
(former aide-de-camp to the
Lieutenant Governor of Ontario)

Chief Carl Johnston
St. Thomas Police Force
Nominated Representative of
Ontario Association of
Chiefs of Police (OACP)

S/Sgt. Robert Morrison
Metro Toronto Police
Nominated Representative of the
Police Association of Ontario (P.A.O.)
Member, Board of Directors

Mr. Alfred Oakie
Executive Vice-President and
General Manager of the
Hamilton Automobile Club

Mr. Hugh Waddell
President
Municipal Police Authorities

Committee Staff

Mr. Jeffrey L. Davies
Legal Counsel

Ms. M.L. Girolametto
Committee Researcher

Mr. Gordon Hampson
Secretary
(Policy Development Officer, Ontario Police Commission)

EXECUTIVE SUMMARY

In November 1984, the Solicitor General for Ontario established a special committee to examine police pursuit driving in Ontario.

The objective of the special committee's mandate was to determine if the measures currently serving to ensure public and police safety in pursuit situations are adequate and to recommend, where required, alternatives and improvements to procedures related to vehicle pursuit.

An examination of the relevant issues -- including policy, the law, statistics, training, alternatives and radio communications -- was undertaken from December 1984 through August 1985.

The present report is the result of this review. However, unanimous support for the proposals contained herein was not secured. A memorandum of dissent has been filed with this report.

With due regard to the concerns expressed by those members from the police community, the majority of the committee has concluded that vehicular police pursuit is too hazardous to undertake as frequently as current policy permits.

The statistics reveal an incidence of pursuit related death, injury, and property damage disproportionately high to justify the immediate physical apprehension of motorists who flee the police for simple traffic offences. The statistics further indicate that a felon is rarely apprehended either purposefully or unintentionally as a result of vehicle pursuit by the police.

The majority therefore recommends that in the interests of safety, a more restrictive policy on vehicle pursuit should be adopted which would permit the police to conduct vehicle pursuit only where an offence under the Criminal Code is involved. The committee further recommends that as a precondition to restrictions on vehicle pursuit by the police, owner responsibility must concurrently be provided, as well as three other supplemental measures. In effect, these measures will collectively serve to replace vehicle pursuit, under most circumstances, as a means of stopping a motorist who fails to stop for police officer after being directed to do so:

- (1) The strict enforcement of Section 181 of the Highway Traffic Act permitting the police to charge a vehicle owner and placing the onus of responsibility on a vehicle owner, where the operator of the vehicle knowingly fails to stop for the police for the committal of an offence,
- (2) The enactment of legislation permitting the courts to impound a vehicle that has been used by a motorist to wilfully flee from the police,
- (3) The adoption of a camera system to photograph vehicles including licence plates, in the act of committing a traffic offence, and which simultaneously records vehicle speeds,
- (4) The establishment of helicopter police patrol.

In recognition of the fact that such recommendations represent fundamental change to the prevailing norms of law enforcement in Ontario, the committee suggests they be initially implemented on a trial basis and that an evaluation occur in two years.

With specific regard to the law, it is the belief of the committee that the certainty of prosecution may act as a more effective deterrent against the committal of offences than the imposition of stricter penalties. Rigorous prosecution to the full extent of the law, as presently provided for in both the Criminal Code and Highway Traffic Act, must be encouraged by all police forces and by the courts against violators who knowingly fail to stop for police.

Further to these proposals, the committee also recommends a number of procedural measures to improve public and police safety, as well as an upgrading of the police radio communications network.

With regard to pursuit training, the committee highly commends the driver training program offered to recruits at the Ontario Police College, but would recommend that mandatory in-service officer training and regular retraining be added.

Public education is regarded by the committee as a valuable means of potentially reducing the number of police pursuits initiated by motorists. Public education is presently insufficient. Efforts should be made to increase public awareness, particularly among young people, of the hazards and laws pertaining to police pursuit.

Finally, mechanical alternatives to pursuit are few. If a more restrictive policy on pursuit is adopted with the concurrent support of supplemental measures, the utility of such alternatives would be limited.

LIST OF RECOMMENDATIONS

DEFINITION

It is recommended by the Committee that:

1. The definition of pursuit read as follows:

A police pursuit occurs when police attempt to stop the driver of a motor vehicle and the driver refuses to obey the officer, following which the police give chase for the purpose of stopping the fleeing driver.

DETERMINING WHEN TO PURSUE A VEHICLE

It is recommended by the Majority that:

2. Subject to the concurrent adoption of recommendation 6 providing for owner responsibility, vehicle pursuit be conducted only where a police officer suspects a criminal offence has been committed.
3. The Province of Ontario seek a legislative delegation of power from the Parliament of Canada to allow the prohibition of police pursuits for certain offences under the Criminal Code.

It is recommended by the Committee that:

4. Ontario's vehicle pursuit policy be made mandatory for and binding on all forces by the enactment of a new Regulation under the Police Act. As well, the Ontario Police Commission should simultaneously issue new guidelines, reflecting the diverse natures of Ontario forces, for the conduct of vehicle pursuit.
5. The new guidelines on vehicle pursuit be implemented initially on a trial basis and that the Solicitor General's evaluation of the new policy occur after two years' operation at which time it will be decided whether the policy requires amendment.

ALTERNATIVES TO PURSUIT

It is recommended by the Committee that:

6. Section 181 of the Highway Traffic Act (H.T.A.) providing specifically for vehicle owner responsibility with reverse onus, be rigourously enforced when a motorist fails to stop when directed to do so by a police officer.
7. The need for the rigourous enforcement of Section 181 be brought to the attention of the Attorney General for Ontario.
8. Legislation empowering the courts to impound a vehicle which has been used to wilfully evade the police be enacted and strictly enforced.
9. The Solicitor General support, on a trial basis, the installation of vehicle-mounted cameras in police cars which have the capacity to photograph the licence plates of vehicles that refuse to stop for police.
10. The Solicitor General support the establishment of helicopter patrol in a major urban area on a trial basis for a minimum test period of two years, and that the helicopter patrol division be sufficiently equipped and of sufficient size to ensure that at least one craft is in the air throughout the duration of the airborne patrol day.
11. The Solicitor General ensure that an adequate system of data collection on the effects of airborne police patrol on law enforcement in Ontario be established and consistently followed.

THE CONDUCT OF A PURSUIT AND DECIDING WHEN IT SHOULD BE TERMINATED

It is recommended by the Committee that:

12. A civilian radio dispatcher should not have the responsibility of supervising a police pursuit. If available, a senior police officer should be responsible for supervising the conduct of a pursuit.

APPROACHING AND METHODS OF STOPPING A VEHICLE

It is recommended by the Committee that:

13. Unmarked cars and plainclothes officers be discouraged from engaging in pursuit unless absolutely necessary and no marked car is available.
14. Where a vehicle is so equipped, emergency equipment must be in full operation at the initiation of and during pursuit.
15. Roadblocks, ramming, and bumping not be used except where the offence committed by the person being pursued, or where the conduct of the person being pursued, is of such danger to the public as to require immediate apprehension.

USE OF FIREARMS IN PURSUIT SITUATIONS

It is recommended by the Committee that:

16. The discharge of firearms from a moving vehicle be prohibited except in defense of the officer's life or the life of another.

THE ADEQUACY OF PRESENT PENALTIES UNDER THE LAW

It is recommended by the Committee that:

17. Section 189(a) of the Highway Traffic Act be vigorously enforced and that the Attorney General instruct Crown Attorneys not to plea bargain with charges under this section.
18. Comprehensive public education, with particular emphasis toward young people, on the provisions of Section 189(a) and on other pertinent sections of the Highway Traffic Act, be undertaken by the Solicitor General in conjunction with the Ministry's Crime Prevention Program, and that the following methods for public education are suggested:

- (i) enclosing flyers on the rules of the road with licence renewals;
- (ii) ensuring that the Provincial Driver's Examination includes material on Section 189(a) in its curriculum and in its test;
- (iii) high school driver education programs should be encouraged to include in their curriculum information on a motorist's responsibilities regarding Section 189(a).

ALTERNATIVES TO IMPROVE THE SAFETY OF THE POLICE AND THE PUBLIC IN PURSUIT SITUATIONS

It is recommended by the Committee that:

- 19. The police radio communications network be better co-ordinated and upgraded as soon as possible at both the municipal and provincial levels.
- 20. The Provincial Common Channel, or some high quality common frequency, be firmly established and extended for the O.P.P. and municipal forces.
- 21. Model minimum specifications for an adequately equipped police vehicle be developed by the Ontario Police Commission.
- 22. Alternating flash headlights be considered for all police vehicles.
- 23. All new police vehicles be equipped with speakers, a siren, and flashing lights.

MECHANICAL DEVICES TO STOP VEHICLES

It is recommended by the Committee that:

- 24. The use of the hollow spike belt be encouraged wherever possible, but never in cases where a vehicle with less than four wheels is involved.

METHODS OF PURSUIT TRAINING

It is recommended by the Committee that:

25. Greater emphasis on driver psychology be incorporated into the driver training curriculum at the Ontario Police College.
26. Experienced officer training be mandatory for all active officers, including senior personnel who may be involved with pursuit policy development and enforcement.
27. Driver retraining on a regular basis be mandatory for all officers who may be involved with pursuit policy development and enforcement, and that local forces be encouraged to develop and implement retraining programs, with the assistance of the Ontario Police College, which would account for local needs and utilize local resources and facilities.

POLICY EVALUATION

It is recommended by the Committee that:

28. Police administration ensure every attempt is made to thoroughly inform all officers of the new policy guidelines on police pursuit.
29. The new policy guidelines on pursuit be accompanied by the establishment of uniform criteria for data collection, and that all Ontario forces collect this data on pursuits in their jurisdictions and forward them to the Ontario Police Commission to facilitate policy planning and program monitoring.
30. The new pursuit policy, supported by statistical and other relevant data, be evaluated by police officers and by members of the public.
31. All Coroner's reports investigating pursuit related fatalities be regularly forwarded to the Ontario Police Commission and that the reports should include a copy of the original motor vehicle accident report, where applicable, and the original vehicle pursuit report submitted by the police.

THE COMMITTEE AND ITS MANDATE

In November 1984, the Solicitor General for Ontario established a special committee to examine police pursuit driving in Ontario. The 10-member committee was comprised of both police and civilians who participated entirely on a volunteer basis.

The committee was requested to review present Ontario Police Commission guidelines on pursuit, research police policies and procedures and, if needed, to receive briefs and evidence for the purpose of making recommendations for:

- 1) determining when to pursue a vehicle
- 2) alternatives to pursuit
- 3) the conduct of a pursuit and deciding when it should be terminated
- 4) approaching and methods of stopping a vehicle
- 5) the use of firearms in pursuit situations
- 6) present penalties under the law
- 7) changes in the law such as owner liability for moving traffic offences
- 8) other alternatives to improve the safety of the police and public in pursuit situations
- 9) methods of pursuit training
- 10) mechanical devices to stop vehicles

During the course of the committee's examination it became apparent recommendations regarding the collection of pursuit data were also required. Hence, another review issue has been added to the mandate.

- 11) policy evaluation

This report is structured to directly reflect the issues raised by the Minister in his mandate to the committee.

An examination of the relevant issues was undertaken both independently by the committee and in consultation with many professionals, from December 1984 through to August 1985. Two days of public hearings were held on May 10 and May 22, 1985. In addition, some groups made presentations to the committee during the course of regular meetings.

All submissions were carefully considered and were of valuable assistance to the committee's deliberations.

List of Submissions

Ranger Helicopters

Safe-T-Stop

Hovey Industries (spike belt manufacturers)

Citizens' Independent Review of Police Activities (C.I.R.P.A.)

Ontario Provincial Police (O.P.P.)

Mr. Joseph Cusimano

Police Association of Ontario (P.A.O)

Gilles Villeneuve Foundation

H. Ruhl Machinery (distributors of tachographs)

Ontario Association of Chiefs of Police (O.A.C.P.)

Ministry of the Solicitor General's Crime Prevention Program

PART TWO

THE PROBLEM OF PURSUIT

THE DEFINITION OF PURSUIT

The committee recommends that the following definition of vehicle pursuit be adopted:

- (1) A police pursuit occurs when police attempt to stop the driver of a motor vehicle and the driver refuses to obey the officer, following which the police give chase for the purpose of stopping the fleeing driver.**

Note that the operative factor of the definition is not speed, but the refusal of a motorist to obey an officer's signal to stop. The element of wilful refusal makes the offence of failing to stop a serious transgression of the law, as well as a highly dangerous one.

The committee's efforts are concerned with vehicle pursuit as per the accepted parameters set in the above definition.

NATURE OF THE PROBLEM

By the provisions of both Section 25 of the Criminal Code of Canada, and Sections 47 and 57 of the Police Act of Ontario, the main objectives of law enforcement are:

- (1) to effect the apprehension of violators and,
- (2) to protect the public.

The act of vehicle pursuit by the police occasionally calls into conflict these tenets of the law enforcement mandate. While pursuit has been effective in apprehending violators and hence in enforcing the law, human injury and death are occasionally the outcome. Particularly when non offending third parties become the victims of vehicle pursuit, it is fair to question whether public protection is being reasonably achieved. However, the committee also recognizes that despite potential hazard to human well-being, failing to uphold the law by means of vehicle pursuit may pose a much greater threat to the well-being of society generally.

THE PROBLEM IN PERSPECTIVE

In 1984 alone, 194,782 reportable motor vehicle accidents occurred across Ontario. During the same period, 97,230 persons sustained injuries and 1,132 persons were killed. ¹

By contrast, the statistics for vehicle pursuits in 1984 reveal that of 1,447 pursuits undertaken in Ontario, 376 resulted in accidents, 223 persons sustained injuries and six persons were killed.

In total, between 1981 and 1984 Ontario police undertook 6,757 vehicle pursuits. In the process, 1,578 accidents occurred, 872 persons were injured, and 32 persons were killed.

Clearly, vehicle pursuit by the police is neither a leading cause of Ontario roadway traffic accidents, nor of traffic-related injury and death. In addition, it is impossible to measure the number of accidents that have been prevented because the police chose to pursue a traffic violator or impaired motorist. Nonetheless, the occasional consequences of vehicle pursuit -- namely unnecessary injury and death -- give justifiable cause for concern. Since 1981 to the time of this writing, 39 persons have died and over 642 persons have been injured as a result of vehicle pursuit.

¹ Source: Ministry of Transportation

PRESENT REGULATION OF VEHICLE PURSUIT

Police Activity

Four different sets of controls regulate police response to pursuit situations. The first is the Criminal Code which defines the scope of activities permissible for a police officer when enforcing the law. The second is the Ontario Police Act which defines the duties and powers of police officers in Ontario and also stipulates the circumstances under which firearms may be discharged by the police. The third is the Highway Traffic Act which sets out the regulations specifically for the operation of police vehicles by police officers. The fourth and most specific are regulations issued by individual police forces for their members. These regulations are based on guidelines drawn by the Ontario Police Commission.

The Criminal Code

Section 25(1)(b), (3), and (4) of the Criminal Code regulates the use of force by the police. Where a suspect takes flight to avoid arrest, the police are exempt from prosecution in using as much force as necessary to prevent escape. However, the police are criminally responsible if excess force is used, or where escape can be prevented by less violent means.

- "25(1) Everyone who is required or authorized by law to do anything in the administration or enforcement of the law.
- " (b) As a peace officer or public officer, is, if he acts on reasonable and probable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.
- " (3) Subject to subsection (4), a person is not justified for the purpose of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or anyone under his protection from death or grievous bodily harm.
- " (4) A peace officer who is proceeding lawfully to arrest, with or without warrant any person for an offence for which that person may be arrested without warrant, and everyone lawfully assisting the peace officer, is justified, if the person to be arrested takes flight to avoid arrest, in using as much force as is necessary to prevent the escape by flight, unless the escape can be prevented by reasonable means in a less violent manner."

The Police Act

This Act sets out the powers and duties of the police. The duties extend to the preservation of the peace, crime prevention and apprehension of law breakers.

The Police Act also regulates the use of firearms. A police officer may draw his revolver for the protection of his life or the life of another where he believes it is necessary in the arrest or detention of a person he believes to be dangerous. The officer can only discharge his firearm where on reasonable and probable grounds he believes it necessary for the defence of life or to effect apprehension of a dangerous person where other means are insufficient.

The Highway Traffic Act

The Highway Traffic Act provides for certain exemptions from the law for police officers in the lawful execution of their duties. Section 124(6) confers upon drivers of emergency vehicles the right to proceed against a red light through an intersection after having first stopped to ascertain safety. Section 109(12)(b) permits a police vehicle to exceed posted speed limits when used by a police officer in the lawful performance of his duties.

Vehicle Pursuit Policy Guidelines

The Ontario Police Commission has issued policy guidelines for vehicle pursuit by the police. These guidelines have been widely adopted by police forces across the province, with varying degrees of modification, and incorporated into departmental Rules and Regulations, or Procedures. Most notably, the guidelines are based on a policy model known as "officer judgement" and subsequently confer a great deal of discretion on the officer for the conduct of a vehicle pursuit. A more detailed discussion of Ontario's vehicle pursuit guidelines is undertaken later in this report.

Civilian Activity

The laws pertaining to police pursuit which directly affect civilians are largely contained in the Highway Traffic Act, the Criminal Code, and indirectly through case law arising from the rules of the road.

Civilian Activity (cont'd)

Highway Traffic Act

In 1981, Section 189 of the Highway Traffic Act was amended to include a provision applying directly against motorists who wilfully engage the police in pursuit.

The Act authorizes a police officer, in the lawful performance of his or her duties, to require a motorist to stop. Failure to comply with the officer's request is an offense. A fine of not less than \$100.00 but not more than \$2,000.00, or a maximum six-month prison term, may be levied if convicted.

Under the provisions of Section 189(a), a mandatory three-year licence suspension may also be levied if it is held that the motorist wilfully continued to elude the police while the officer gave pursuit.

The Criminal Code

Charges under the Criminal Code may also be laid against offenders engaging the police in pursuit. Examples include dangerous driving, criminal negligence in the operation of a motor vehicle, criminal negligence causing death, or criminal negligence causing bodily harm.

Case Law

The activity of civilians not directly involved in a police pursuit is regulated generally by the rules of the road. Case law has determined that a motorist is negligent when he knowingly fails, or when he ought to know and fails to respond appropriately, to the lights and siren of an approaching emergency vehicle.

Comment on the Law

Most of the police community appears to maintain that it is the sworn obligation of the police to pursue an offender who refuses to stop. In order to uphold the law, an officer must apprehend fleeing offenders. Furthermore, the officer's suspicions are aroused when a motorist refuses to obey the signal to stop. Such a reaction indicates to an officer that something more grave is amiss. This argument forms the basis for the dissent of the police members of the Special Committee against the majority recommendation to restrict vehicle pursuit.

VEHICLE PURSUIT POLICY IN ONTARIO

In 1976, 1979 and 1982 respectively, the OPC issued three statements of policy guidelines for police pursuit driving. While more careful wording, a higher regard for caution, and greater procedural detail are evident in the present text, the policy content has remained essentially unchanged. The decision to engage in vehicular police pursuit is left to the discretion of the pursuing officer who, giving due regard to safety, must balance the severity of the offense against the circumstances of the surrounding environment.

Factors such as weather, traffic, road conditions, the time of day, presence of pedestrians, the surrounding area, and officer familiarity with the area are only some of the considerations an officer must make before engaging in pursuit of a motorist.

Safety is unequivocally the key concern of any policy guidelines for police pursuits. Yet, since 1981, pursuit-related fatalities have occurred in Ontario at a rate of not less than five per year. This year alone, seven deaths have occurred to date. A total of 39 deaths and consistently high levels of injury and property damage, has called some to question the means by which present pursuit policy in Ontario effectively ensures maximum safety for all persons.

PART THREE

ANALYSIS AND RECOMMENDATIONS FOR REFORM

1.

DETERMINING WHEN TO PURSUE A VEHICLE

Of the 170 pursuit policies reviewed from police forces across Canada, the United States, Australia, and Great Britain, Ontario's policy is among the least restrictive. While the success of most of the policy statements studied depends on the application of sound judgement on the part of the pursuing officer, many jurisdictions account more fully than do many Ontario forces, for the deadly force inherent in a vehicle travelling recklessly or with excessive speed.

A comparative risk analysis undertaken by the committee indicates that the risk of a fatality occurring in a police pursuit is roughly 1,000 times greater than the normal risk for general driving. In other words, when a driver gets behind the wheel of a car the risk of death occurring escalates 1,000 times if that driver becomes involved in a motor vehicle pursuit. When an impaired driver is being pursued, the analysis indicates that the risk of a fatality occurring is roughly 10 to 100 hundred times greater than the normal risks for impaired driving.

Evidence indicates that these risks have materialized. Between 1981 and 1984 inclusive, one pursuit in four resulted in an accident, one in 10 resulted in injury, and one in 260 resulted in death.

The cost of damage to property as a result of vehicle pursuit is also excessively high. In the 1981-1984 period examined, total reported property damage was estimated at \$4 million . Of this, police vehicles sustained approximately \$1 million in damage, and civilian property sustained the remainder. The average cost of damage, per pursuit ending in damage, was approximately \$2,500.00.

Reasons Given by Police for the Initiation of Pursuits

For the years 1981 to 1984 inclusive the following types of offences were given by police as the reason for the 6,757 pursuits undertaken:

1.	Speeding	30	%
2.	Other traffic offences	27	%
3.	Dangerous driving	17	%
4.	Auto theft	9.5	%
5.	Impaired driver	9.5	%
6.	Suspended driver	2	%
7.	Serious criminal	5	%
		<hr/>	
		100	%

Most notably we see that 57 per cent of vehicle pursuit by the police occurred as a result of simple traffic offences.

A complete overview of Ontario vehicle pursuit statistics follows here.

The data used by the committee were derived from the pursuit information available for the four-year period 1981-1984 inclusive. Most of the data were obtained from the Ontario Police Commission, which compiles pursuit information from all Ontario police forces. Both raw and secondary data input were utilized by the committee.

**ONTARIO POLICE PURSUITS
STATISTICAL OVERVIEW
1981-1984**

Total Number of Pursuits	6,757	% of Total
Pursuits Abandoned	1,219	18.04
Resulting in Death	26	.38
Resulting in Injury	642	9.5
Resulting in Property Damage	1,578	23.34
Firearms Involved	108	1.60
Impaired Drivers (alcohol)	1,709	25.29
Impaired Drivers (drugs)	49	.73
Citizens Killed	32	
Police Killed	1	
Citizens Injured	655	
Police Injured	217	
Citizens Property Damage	3,028,093.00	
Police Property Damage	961,228.00	
Total Property Damage	3,989,321.00	
Damage per pursuit resulting in property damage	2,528.00	
Charges Laid Against Citizens		
Criminal Code	7,156	
H.T.A.	3,824	
Other	494	
Charges Against Officers (Police Act)	15	
Number of Cases Licence Suspended	(for 1982-84 only) 875	
Reasons for Commencing Pursuits		
Careless or Dangerous Driving	1,161	17.18
Impaired	645	9.54
Stolen Vehicle	643	9.51
Suspect Serious Criminal Offence	374	5.53
(without 1981)	146	2.99
Suspended Driver	139	2.05
Disobey Traffic Signal of Traffic Officer	841	12.44
Other Traffic Offenses	1,003	14.84
Speeding	2,031	30.05

ONTARIO'S PURSUIT STATISTICS 1981-1984									
	1981		1982		1983		1984		
	% of total		% of total		% of total		% of total		
CHARGES LAID AGAINST CITIZENS									
Criminal Code	1,955		1,757		1,646		1,758		
Highway Traffic Act	674		1,348		1,361		1,441		
Other	21		139		185		149		
CHARGES AGAINST OFFICERS (POLICE ACT)									
	4		3		3		5		
NUMBER OF CASES IN WHICH LICENCE SUSPENDED									
			289		282		304		
REASONS FOR COMMENCING PURSUITS									
Careless or Dangerous Driving	361	19.17	283	15.93	279	16.93	238	15.52	
Impaired Driving	147	7.79	189	10.64	180	10.92	129	8.41	
Stolen Vehicle	200	10.61	163	9.17	172	10.44	108	7.05	
Suspect Serious Criminal Offence	228	12.09	82	4.61	22	1.33	42	2.74	
Suspended Driver	49	2.29	32	1.80	31	1.88	27	1.76	
Speeding	519	27.53	593	33.37	441	26.76	478	31.18	
Disobey Traffic Signal or Traffic Officer	149	7.90	248	13.96	282	17.11	162	10.57	
Fail to Remain at Accident Scene	36	1.90	32	1.80	24	1.46			
Other Traffic Offences	196	10.39	236	13.28	222	13.47	349	22.77	

POLICE PURSUIT STATISTICS 1981 TO 1984

	1981	1982	1983	1984
TOTAL NUMBER OF PURSUITS	1,885 % of <u>total</u>	1,777 % of <u>total</u>	1,646 % of <u>total</u>	1,447 % of <u>total</u>
Pursuits Abandoned	385 20.40	316 17.78	288 17.48	230 15.89
Resulting in Death	5 .26	9 .51	7 .42	5 .35
Resulting in Injury	171 9.07	181 10.19	130 7.89	160 11.06
Resulting in Property Damage	469 24.88	360 20.43	373 22.63	376 25.98
Firearms Involved	30 1.59	25 1.41	29 1.76	24 1.66
Drivers Impaired by Alcohol	425 22.54	481 27.07	406 24.64	397 27.44
Drivers Impaired by Drugs	13 .68	14 .79	11 .67	11 .76
Citizens Killed	8	11	6	6
Police Killed	0	0	1	0
Citizens Injured	183	181	126	165
Police Injured	59	53	47	58
Citizens Property Damage	\$882,622	\$904,951	\$591,110	\$649,410
Police Property Damage	\$233,096	\$252,080	\$240,086	\$235,966

Who Flees from the Police?

Coroners' Reports

Between 1976 and 1984, 18 inquests were held into 28 pursuit-related fatalities which occurred across Ontario. Inquests were not held for all deaths from police pursuits in that period. The following is a breakdown of the 28 deaths:

- 1 policeman;
- 8 innocent third parties under 22 years of age;
- 19 offenders being pursued, of which
 - 15 were drivers
 - 4 were passengers
 - 14 were 24 years of age and younger
 - 4 were between 25 and 30 years of age
 - 1 victim was over 30 years of age

Of the 19 offences, only two were pursued for serious offences, both unlawfully at large. The remainder were pursued for speeding or minor traffic offences.

<u>Deceased</u>	<u>Number</u>	<u>Offender</u>	<u>Passenger W/Offender</u>	<u>Non-Offender</u>
Under 16	1	1		
16 - 18	9	3	1	5
19 - 21	9	6*	1	2
22 - 24	3	2		1
Over 24	6	3	2	1**
<u>Total</u>	<u>28</u>	<u>15</u>	<u>4</u>	<u>9</u>

* Two of the six were wanted criminals, both aged 20 years.

** Deceased is Constable Bruce Crew, aged 47 years.

Metropolitan Toronto Police (MTP) Pursuits

A review of the 42 Metropolitan Toronto Police pursuit reports received by the Ontario Police Commission for 1983 and 1984 bears out the common belief that the average offender is male, under 24 years of age, and likely possesses a poor driving record. In fact, of all cases reviewed, all offenders were male, and the average offender's age was 22.7 years. The profile is consistent with trends reported in other jurisdictions across Canada and the United States, as well as with the analysis of coroners' reports provided above.

Why a Motorist Flees

Obtaining an accurate profile of offenders involved in vehicle pursuit is essential for the development of effectively targeted policy. The validity of the profile discussed above is certain. What is not as certain is the motivation for fleeing. As will be seen, serious crimes are rarely at issue.

From the data examined, it appears that the fear of being apprehended for impaired driving, driving while under suspension or car theft are the most common reasons why a motorist decides to flee.

For example, while suspected impairment induced an officer to pursue 9.5 per cent of the time, alcohol -- and drugs to a much lesser extent, were actually involved in approximately 26 per cent of pursuits. It is more difficult to ascertain accurately the number of suspended drivers who flee from police because many drive vehicles other than their own. But it is reasonable to assume that the 2 per cent figure for the 1981-1984 period is misleadingly low, reflecting only those cases where the vehicle licence immediately indicated the vehicle belonged to a suspended driver. Finally, while pursuit was initiated to recover stolen vehicles in approximately 10 per cent of cases, the number of stolen vehicles actually implicated is ultimately somewhat higher.

Conclusion: High Risks versus Minor Offences

In comparison to the hazards created by vehicle pursuit, the offences usually responsible for pursuit are minor and the reason a motorist chooses to flee is rarely related to the committal of a grave or violent crime. Indeed, as the charts presented earlier show, after 1981 a significant decrease in the number of suspected serious offences which induced an officer to pursue a motorist, resulted in a three year average figure indicating that less than three per cent of vehicle pursuits were undertaken by police on the suspicion that a serious offence was involved. ¹

This generally disproportionate relationship between the hazards of and causes for pursuit, and the fact that only rarely are grave offenders, whose violations warrant their immediate arrest, apprehended by means of vehicle pursuit, indicate that many vehicle pursuits permitted under present pursuit policy in Ontario should not occur.

1. Source: Ministry of the Solicitor General,
Annual Reports, 1981-1984

In most cases, the apprehension of an offender should be effected by means other than pursuit. Only where serious criminal offences are at stake should vehicle pursuit be permitted. Pursuit should not be permitted for the committal of lesser offences under the Criminal Code, or for offences against the Highway Traffic Act or analogous municipal legislation.

The majority recognizes that it may be difficult to distinguish between serious and other offences under the Criminal Code. Examples of serious offences for which pursuit would be justified are obvious - murder, armed robbery, rape, violent offences to the person and kidnapping, are some. Lesser offences for which pursuit would clearly not be justified would include bigamy, libel, mischief, gaming offences, fortune-telling and loitering.

Even though it is the majority's opinion that police pursuits should be confined to serious criminal situations, the majority recognizes that it is not feasible to curtail the protection afforded to police under Section 25(4) of the Criminal Code to pursue a person who flees from an arresting officer. As a result, the majority will limit its recommendation in this area to Criminal Code offences. If the four years of statistics surveyed are considered to convey a real trend, this restriction in itself will reduce the incidence of vehicle pursuit by roughly 60 per cent.

However, the majority still seeks further restrictions. It additionally recommends that negotiations be commenced between the province and the federal government with the aim of obtaining a legislative delegation of power to enable the province to prohibit police pursuits for certain lesser offences under the Criminal Code. Finally, restrictions on vehicle pursuit should be made mandatory by Regulation under the Police Act.

While the minority of the committee dissents with stringent restrictions on the ability of the police to engage in vehicle pursuit, it does support establishing stronger controls by Regulation under the Police Act.

Regulations under the Police Act should clearly convey simply those occasions when vehicle pursuit may be conducted, in much the same way that Regulation 790 of the Police Act restricts the use of firearms by the police.

The Regulation is not to define the procedures for the conduct of a motor vehicle pursuit when it must be conducted. This is the business of the Chiefs who know best the requirements, limitations, and resources, unique to their departments. However, the O.P.C. should continue to issue procedural guidelines for the assistance of the Chiefs.

Greater discussion of the pursuit policy guidelines presently endorsed by the Ontario Police Commission is undertaken later in this paper. Under the current O.P.C. guidelines, no distinction is made between procedure and policy. It is suggested here that the Regulation define Policy, and that the O.P.C. guidelines be limited to offering directions for the conduct of pursuit. Such directions must take into account the fact that Ontario forces range in size from five officers to 5,000.

It is therefore recommended by the Majority that:

- (2) Subject to the concurrent adoption of Recommendation 6, providing for owner responsibility, vehicle pursuit be conducted only where a police officer suspects a criminal offence has been committed.
- (3) The Province of Ontario seek a legislative delegation of power from the Parliament of Canada to allow the prohibition of police pursuits for certain offences under the Criminal Code.

It is recommended by the Committee that:

- (4) Ontario's vehicle pursuit policy be made mandatory for and binding on all forces by the enactment of a new Regulation under the Police Act. As well, the Ontario Police Commission should simultaneously issue new guidelines, reflecting the diverse natures of Ontario forces, for the conduct of vehicle pursuit.
- (5) The new guidelines on vehicle pursuit be implemented initially on a trial basis and that the Solicitor General's evaluation of the new policy occur after two years operation, at which time it will be decided whether the policy requires amendment.

2.

ALTERNATIVES TO PURSUIT

It is difficult to determine conclusively the effect of a restrictive pursuit policy on lawlessness among certain members of the public. Of the many force policies that the committee reviewed, other measures of law enforcement are in practice in jurisdictions where vehicle pursuit is highly restricted.

The committee also believes that greater restrictions on vehicle pursuit should be supplemented by alternative measures which, in most cases, would effectively ensure the apprehension of a violator but without the means of physical vehicle pursuit. Therefore, it is recommended that the precondition for strict limitations on vehicle pursuit be the concurrent implementation of alternative measures of law enforcement.

All of the measures identified by the committee may be feasibly implemented and enforced. Furthermore, in the interests of the public, both the restrictive vehicle pursuit policy and the concurrent alternative measures for apprehending those who flee from the police, should be initially enforced on a two-year trial basis, at which point program evaluation will occur.

Very briefly these alternative measures are as follows:

- (i) owner responsibility with reverse onus
- (ii) vehicle impoundment
- (iii) a camera system to photograph vehicles including licence plates
- (iv) helicopter police patrol

(i) **Owner Responsibility with Reverse Onus**

Owner responsibility for some offences already exists in Section 181 of the Highway Traffic Act. A Section 189(a) offence of failing to stop for police is not exempt from the provisions of Section 181. Under the present law an owner may be held liable for a Section 189(a) offence, committed by another operator of his or her vehicle. The power to charge an owner is discretionary and upon conviction the owner is liable to the prescribed penalty for the offence.

(i) cont...

The stricter enforcement of Section 181, or similar legislation, will greatly reduce the incidence of pursuit and related risks. To ensure enforcement of this Section of the Act, the Crown should be encouraged to prosecute vigorously a 189(a) offence against the owner of a vehicle when the driver has not been identified.

It is therefore recommended by the Committee that:

- (6) Section 181 of the Highway Traffic Act (H.T.A.) providing specifically for vehicle owner responsibility with reverse onus, be rigorously enforced when a motorist fails to stop when directed to do so by a police officer.
- (7) The need for the rigorous enforcement of Section 181 be brought to the attention of the Attorney General for Ontario.

(ii) **Vehicle Impoundment**

The incidence of pursuit may be further reduced by the deterrent effects of legislation permitting the courts to impound a vehicle that has been used to wilfully flee from police. While no such penalty may be presently levied against a motorist for a Section 189(a) offence, legislation proposed under Bill 17 amending the Highway Traffic Act provides for vehicle impoundment.

It is recommended by the Committee that:

- (8) Legislation empowering the courts to impound a vehicle which has been used to wilfully evade the police be enacted and strictly enforced.

(iii) **A Camera System to Photograph Vehicles Including Licence Plates**

Photographing licence plates, and vehicles in the act of committing a traffic violation, is a practice presently in effect in Germany, Switzerland, and Japan. Video cameras are mounted in a car and operated manually, or mounted above an intersection and activated automatically.

(iii) cont...

The practice appears to work well. In both cases, a photograph of the vehicle committing the violation, and the vehicle licence, is sent to the vehicle owner. He may agree to the charge and pay the fine or appear in court as required, or he may contest the charge in court. The film of the offence may be presented to the court in the proceedings against the charged violator.

While both systems, vehicle mounted and roadside, remove the necessity of pursuing to identify a driver who refuses to stop, vehicle mounted cameras are especially advantageous because of their mobility,

First, vehicle mounted cameras would serve the same territory as the patrol car in which they are mounted, rather than one specified spot. Secondly, like radar, vehicle mounted cameras would exert an important deterrent effect, the question being whether the police car signalling a motorist is equipped with a camera or not.

Of course, the deployment of a camera system cannot stand alone. It requires the concurrent and strict enforcement of owner responsibility. The committee maintains that a camera system, particularly vehicle mounted, in conjunction with owner responsibility, would function as an excellent alternative to vehicle pursuit ensuring safety for the police and the public, as well as the apprehension of those who flee police.

It is therefore recommended by the Committee that:

- (9) The Solicitor General support on a trial basis, the installation of vehicle mounted cameras in police cars, which have the capacity to photograph the licence plates of vehicles that refuse to stop for police.**

(iv) **Helicopter Police Patrol**

Early in the committee's deliberations, a sub-committee was formed to study the use of helicopters.

(iv) cont...

A multitude of articles and classified reports were reviewed, including an American report on 40 different police force operations, and a 1974 O.P.P. internal report recommending the use of helicopters for police work.

The following police forces, deploying airborne patrol, were consulted:

The Ontario Provincial Police
The Baltimore Police Department
The New York City Police Department
The Los Angeles Police Department
The City of Huntington Beach Police Department
The Maryland State Police Department
and The Detroit Police Department.

Reviewed on location were the Baltimore City Police, the Maryland State Police and the Ontario Provincial Police helicopter units.

A separate report by committee member J.K. Best discusses in greater detail the feasibility of helicopter use for Ontario municipalities. Problems commonly cited as safety, weather, night flying, noise and topography are decisively discussed. The indications are that the sum of these problems is small and easily surmountable.

Contained in the Best report is a brief study of the cost of a two year police helicopter patrol program and complete goals and objectives have been outlined therein. At the end of two years, the program would be evaluated. It is suggested that this experimental program be administered by an independent company, set up for the sole purpose of this police program.

The experience of the U.S. jurisdictions which have instituted airborne police patrol indicates that helicopters are a valuable if not inevitable tool for overall law enforcement. In 1970, 60 police agencies in the United States were operating some 130 helicopters for police work. By 1982, despite a recessive economy, the numbers had increased to 334 forces using 1,130 aircraft and are still increasing.

(iv) cont...

The establishment of a helicopter patrol for municipal police work in Ontario has been a longstanding issue. The implementation of such a patrol would represent a major step into a facet of law enforcement which is largely unfamiliar to most of the Ontario police community. Resistance to such a notion is not surprising. Authorities with the highly successful Baltimore Police Helicopter Operation explain that initial resistance both within and outside the police community was one of the largest problems they faced in setting up their operations. It is essential, they insisted, that the public and the police be well informed and kept abreast of developments, and that community participation and commentary be widely encouraged.

Helicopters on urban patrol may be used for search and rescue - particularly near the harbour, surveillance activity, crowd control, and emergency transportation, as well as for traffic work.

The Baltimore City Police maintain that one helicopter on "aggressive patrol" - which means knowing where to look for trouble, can do the work of six to eight patrol cars.

Those forces deploying aircraft inform us that a fundamental value of helicopter patrol is the preventative or deterrent effect it bears against the committal of crimes.

Certainly it would be difficult to justify instituting a helicopter program for the sole purpose of traffic control. But the committee would be remiss if it failed to acknowledge the extensive and flexible utility of helicopter police patrol, which clearly includes benefit for vehicle pursuit. Indeed from its investigation the committee has concluded that a helicopter program, administered properly, would be cost-efficient.

It is therefore recommended by the Committee that:

- (10) The Solicitor General support the establishment of helicopter patrol in a major urban area on a trial basis for a minimum test period of two years, and that the helicopter patrol division be sufficiently equipped and of sufficient size to ensure that at least one craft is in the air throughout the duration of the airborne patrol day.**
- (11) The Solicitor General ensure that an adequate system of data collection on the effects of airborne police patrol on law enforcement in Ontario be established and consistently followed.**

3.

**THE CONDUCT OF A PURSUIT AND DECIDING WHEN
IT SHOULD BE TERMINATED**

At those times when a vehicle pursuit must be undertaken, ie. where a breach of the Criminal Code has occurred or is suspected, it should be done so at the professional discretion of the pursuing officer. This discretion would include knowing when to terminate a pursuit. There will be occasions when a criminal offence will not justify endangering human life by means of vehicle pursuit to apprehend the offender. In these instances, alternative methods of apprehension must be employed as discussed in the preceding section.

The final decision to terminate a pursuit should remain with a supervising officer who being away from the actual scene of pursuit is likely to be more objective about the pursuit than the pursuing officer. However where the pursuing officer deems it advisable in the interests of safety to terminate the pursuit without the express authority of a senior officer, the officer should do so.

Furthermore, a civilian radio dispatcher should not have the responsibility of supervising a police pursuit. If available, a senior officer should supervise the conduct of a pursuit.

Further discussion of recommendations to improve safety when conducting a pursuit follow in the next two sections.

The Committee recommends here that:

- (12) A civilian radio dispatcher should not have the responsibility of supervising a police pursuit. If available, a senior police officer should be responsible for supervising the conduct of a pursuit.

4.

APPROACHING AND METHODS OF STOPPING A VEHICLE

Except where it is strategically necessary to refrain, a police vehicle in pursuit should be constantly in visual and audible contact with all users of the road. Numerous accidents may be attributed to poor motorist warning of an advancing police vehicle. Furthermore, the use of vehicle-to-vehicle contact as a means of stopping a pursued vehicle should be permitted only where the use of deadly force is required.

It is therefore recommended by the Committee that:

- (13) Unmarked cars and plainclothes officers be discouraged from engaging in pursuit unless it is absolutely necessary and no marked car is available.**
- (14) Where a vehicle is so equipped, emergency equipment must be in full operation at the initiation of and during pursuit.**
- (15) Roadblocks, ramming, and bumping not be used except where the offence committed by the person being pursued, or where the conduct of the person being pursued, is of such danger to the public as to require immediate apprehension.**

5.

USE OF FIREARMS IN PURSUIT SITUATIONS

Firearms are ineffective, indeed dangerous, when discharged from a moving vehicle for the purposes of apprehending another moving vehicle. The danger of ricochet poses a great threat to overall public safety. The discharge of firearms by the police in Ontario is restricted by the provisions of Regulation 790 under the Police Act.

The 1982 Ontario Police Commission Pursuit Driving Guidelines presently prohibit the firing of shots at or from a moving vehicle except in extreme cases. In the 1981-84 period, firearms were discharged by police officers in 108, or in one of every 62 pursuits.¹

It is recommended by the Committee that:

- (16) The discharge of firearms from a moving vehicle be prohibited except in defense of the officer's life or the life of another.

1. Source: Ministry of the Solicitor General,
Annual Reports, 1981-1984

6.

THE ADEQUACY OF PRESENT PENALTIES UNDER THE LAW

Despite the 1981 amendment to the Highway Traffic Act with the addition of Section 189(a), it is not evident that the legislation has acted as an effective deterrent against motorists engaging the police in pursuit. In 1981, 1,885 vehicle pursuits were undertaken. While the number of pursuits undertaken across Ontario has consistently declined each year to 1,447, there is some evidence this has at least partially occurred due to departmental pressure on members to refrain from engaging in pursuit.

Evidence indicates that Section 189(a) offences of failing to stop are not vigourously prosecuted. These charges are frequently plea bargained off, on the premise that 189(a) is a lesser offence than, say criminal negligence or dangerous driving. It is further apparent that many people are unaware that their licences may be suspended under the provisions of Section 189(a) for failing to stop for the police. The committee maintains failing to stop for police is a serious charge and must be regarded so by the public, by the police and by the courts.

With regard to the provisions of Section 181, as previously noted, they are little known and have not yet been applied by the police and the courts where a motorist attempts to elude police. Section 181, making an owner liable for the offence of failing to stop, must be enforced and the public should be made aware that Section 181 charges will be laid and rigorous prosecution undertaken.

In summary, surprisingly few people are aware of many of the penalties presently provided by the law for the offence of failing to stop for police. In addition, there is some concern that the antagonisms that traditionally have existed between law enforcement authorities and the public are at least partially responsible for why some persons, particularly young persons, engage the police in vehicular pursuit. A public relations campaign by the Government, by municipalities, or by local forces, perhaps under the auspices of the Solicitor General's Crime Prevention Program, might make a remarkable impact on the general population, particularly if concentrated efforts were made in the high schools and during "Police Week".

Further to this, the driving public could be effectively reached by insisting that the curriculum of civilian driving courses include the laws pertaining to driving, as well as the relevant rules of the road. The provincial driver's examination should include questions on Section 189(a). This target group could be further reached by including a pamphlet on police pursuit in licence renewals.

Even if the practice of vehicular police pursuit was to be discouraged or strictly limited by the vigorous enforcement of Section 181 of the H.T.A. making the owner liable for certain offences, the act of failing to stop would still constitute a Section 189(a) offence and the violator subject to conviction. So the need for public education would not diminish regardless of the basic pursuit policy model adopted.

It is recommended by the Committee that:

17. Section 189(a) of the Highway Traffic Act be vigorously enforced and that the Attorney General instruct Crown Attorneys not to plea bargain with charges under this section.
18. Comprehensive public education, with particular emphasis toward young people, on the provisions of Section 189(a) and on other pertinent sections of the Highway Traffic Act, be undertaken by the Solicitor General in conjunction with the Ministry's Crime Prevention Program, and that the following methods for public education are suggested:
 - (i) enclosing flyers on the rules of the road with licence renewals,
 - (ii) ensuring that the Provincial Driver's Examination includes material on Section 189(a) in its curriculum and in its test, and
 - (iii) high school driver education programs should be encouraged to include in their curriculum information on a motorist's responsibilities regarding Section 189(a).

7.

**CHANGES IN THE LAW SUCH AS OWNER RESPONSIBILITY
FOR MOVING TRAFFIC OFFENCES**

Legislation providing for owner responsibility with reverse onus already exists in Section 181 for some traffic offences. As already discussed, most moving traffic offences are exempt from the provisions of Section 181.

A Section 189(a) offence of failing to stop is not exempt. The committee therefore, does not feel it fundamentally necessary to recommend changes to existing legislation to provide for more liability.

The committee views vehicle impoundment as a potentially effective deterrent to pursuit and it has already made a recommendation in this regard.

No further changes to the law are recommended. The committee's belief is that the certainty of prosecution can serve as a greater deterrent against the committal of crimes than the infliction of stricter penalties.

8.

**ALTERNATIVES TO IMPROVE THE SAFETY
OF THE POLICE AND THE PUBLIC IN
PURSUIT SITUATIONS**

There are several procedural measures which, if adopted, would further serve to improve public and police safety.

(i) Police Radio Communications

The committee believes that it is necessary to improve the police communications system in the province on an urgent basis.

At present, the O.P.P. do not have direct radio communications with regional or municipal forces. For those situations where the O.P.P. and another force are both involved in a pursuit, the lines of communication are cumbersome. Essentially, all pertinent information must be relayed by means of a telephone call to the other police agency.

In their brief to the committee, the O.P.P. warned that the enhancement of the present police communications system is vital to the safety of both the public and the police. The committee believes that the province should give priority to the necessary improvements. The importance of doing so is underscored by the fact that at least one pursuit-related fatality has been attributed to the lack of direct communications between the O.P.P. and municipal forces.

In addition to the O.P.P., other police groups have also stressed the need for improved police communications. Notably, the Ontario Police College emphasizes the use of police radio and teamwork as an alternative to, or preventative measure against, vehicle pursuit. However, the value of this training diminishes when many forces are unable to incorporate such techniques into practice because of a lack of the appropriate radio equipment.

It is therefore recommended by the Committee that:

- (19) The police radio communications network be better co-ordinated and upgraded as soon as possible at both the municipal and provincial levels.**
- (20) The Provincial Common Channel, or some high quality common frequency, be firmly established and extended for the O.P.P. and municipal forces.**

(ii) Police Vehicles

Police vehicles should be well equipped and carefully maintained. Model minimum specification should be developed by the Ontario Police Commission which would make certain equipment mandatory. This would include alternating flash headlights, loudspeakers, sirens, and emergency flashing lights.

The consistent deployment of such equipment would enhance public and police safety by increasing the visibility and audibility of approaching police vehicles for all users of the road. Third parties would be appropriately warned that a chase or emergency was in progress. Motorists sought by police would have few occasions to respond that they did not know they were being pursued.

The Committee therefore recommends that:

21. **Model minimum specifications for an adequately equipped police vehicle be developed by the Ontario Police Commission.**
22. **Alternating flash headlights be considered for all police vehicles.**
23. **All new police vehicles be equipped with speakers, a siren, and flashing lights.**

9.

MECHANICAL DEVICES TO STOP VEHICLES

A number of mechanical devices to stop vehicles were reviewed by the committee.

Safety Stop

The Safety Stop is a technological device in the prototype stage. It would involve equipping all civilian motor vehicles with special radio receivers that are activated when the vehicle is rapidly accelerated. When rapid acceleration occurs, and the receiver is subsequently activated, the police may remotely transmit a signal to the fleeing vehicle which cuts off the vehicle's ignition and forces the vehicle to a gradual, full stop. The invention of the Safety Stop occurred at the initiative of a Hamilton-Wentworth police officer.

The device was demonstrated for the committee and it appeared to work as advertised.

While the committee recognizes the potential for the Safety Stop, the prerequisite legislation required for the device is beyond the mandate of the committee. Federal government approval would be necessary to authorize a device operating on radio waves. The installation in tamper-proof form would also require federal legislation.

Should limited pursuit, with the concurrent implementation of owner responsibility and other pursuit alternatives or deterrents, be adopted, the need for such an electronic device would diminish.

The Spike Belt

Constructed of a 30-foot strip of rubber covered with upright hollow spikes, the spike belt is likely the best alternative to road blocks. Where it is feasible to deploy, it is safe and effective.

When a fleeing vehicle drives over the belt, the spikes puncture the tires and because the spikes are hollow, the tires are deflated at a controlled rate. In a very short distance, the vehicle is forced to stop.

However, the belt is not always easily deployed. The belt must be laid ahead of the fleeing vehicle and, of course, the belt would have to be immediately accessible, ready in the trunk of the police car. The belt is clearly most useful in non-urban areas.

The Spike Belt cont...

Nonetheless, when used the belt has been highly effective. The O.P.P. have used it occasionally. The R.C.M.P. and several forces in Western Canada have incorporated the use of the belt into their vehicular police pursuit policies, and are attempting to encourage greater use, except where vehicles with less than four wheels are involved.

It is therefore recommended by the Committee that:

- (24) The use of the spike belt be encouraged wherever possible, but never where a vehicle with less than four wheels is involved.**

10.

METHODS OF PURSUIT TRAINING

The Driver Education program at the Ontario Police College was reviewed by the committee to assess the instruction received by new recruits.

The committee generally found the program highly satisfactory. Visiting the College with the committee was guest Dr. Francis C. Kenel, Director of Traffic Engineering and Safety for the American Automobile Association. Dr. Kenel, who has been involved with many police and civilian driver education programs in the United States, also highly commended the program offered by the College.

In-service officer training is not presently mandatory in Ontario, nor is retraining for in-service officers.

Several Ontario forces are presently attempting to ensure all their members, not just recruits, receive driving instruction in the future and several, such as Hamilton-Wentworth, are setting up their own in-force retraining programs with in-force instructors trained through a special program offered at the Ontario Police College.

The topic of driver psychology is already addressed in the course curriculum of the Ontario Police College driver education program for its recruits. However, upon further research into the psychology of pursuit, the committee suggests that the issue is of sufficient importance to warrant still greater priority in the curriculum.

Escalating aggression, stress and "burnout" were cited by professionals working with the police community as factors potentially capable of distorting an officer's professional judgement and driving ability. In this regard, the committee acknowledges the certain benefits of good physical fitness as explained by the Gilles Villeneuve Foundation at our Public Hearings. However, particularly if attempts are made to reduce the incidence of pursuit, indeed the incumbency of the police to pursue, the committee has decided to refrain from making formal recommendations in this regard. Furthermore, thorough fitness instruction is already offered to recruits at the Ontario Police College.

Nonetheless, if stress and aggression impact on the human ability to judge, an even better case may be made for a more restrictive policy on police pursuits. In a very real sense, it may be unfair to burden a police officer with the duty of deciphering the intent of a discretionary policy while under the duress of enforcing the law in the highly unpredictable situation of pursuit. By its very nature, a more restrictive pursuit policy might more certainly ensure growing professionalism and excellence in policing.

It is therefore recommended by the Committee that:

- (25) Greater emphasis on driver psychology be incorporated into the driver training curriculum at the Ontario Police College.**
- (26) Experienced officer training be mandatory for all active officers, including senior personnel who may be involved with pursuit policy development and enforcement.**
- (27) Driver retraining on a regular basis be mandatory for all officers who may be involved with pursuit policy development and enforcement, and that local forces be encouraged to develop and implement retraining programs, with the assistance of the Ontario Police College, which would account for local needs and utilize local resources and facilities.**

11.

POLICY EVALUATION

The Committee feels that the statistics on police pursuits collected by the Solicitor General would be more useful if they were more detailed. Data analysis would be facilitated if the collection methods employed reflected the objective of policy planning.

The police administration should thoroughly inform all officers of the new policy guidelines on police pursuits. Furthermore, the new pursuit policy, supported by statistical and other relevant data, should be evaluated by police authorities and members of the public.

Difficulty exists with the data contained in coroner's reports filed as a result of pursuit-related death. The brief summary of pursuit events contained in the reports do not include crucial information such as why the pursuit was initiated.

Also, a copy of the original police pursuit report or motor vehicle accident report is not included. It is recommended that copies of all coroner's reports should be regularly forwarded to the Ontario Police Commission, along with all necessary explanatory documentation to facilitate ongoing analysis of vehicle pursuit by the police.

A program for correlating convictions to charges laid as a result of a police pursuit must be developed. Such correlation would require co-operative work with the Ontario Attorney General's office as well as with the Centre for Criminal Justice Statistics in Ottawa (CCJS).

Particularly if helicopter patrol is eventually implemented, it will be of paramount importance to ensure that comprehensive, appropriately interfaced data, based on criteria uniformly accepted by all forces, be developed and meticulously maintained.

These questions are not academic. They will yield excellent insight into the reasons why people engage the police in pursuit, which type of pursuit is likely most dangerous, and what factors -- both human and environmental -- lend themselves to hazard levels. Even under a policy of offence based limited pursuit, such statistics will be valuable in determining policy effectiveness, measuring change and monitoring new programs on an ongoing basis.

It is suggested that data from all forces be collected on all vehicle pursuits. A standard form to facilitate data collection for the forces, as well as to ensure the appropriate data is obtained and that uniform criteria are used, should be developed by the O.P.C. The standard forms should be updated regularly as new legislation, technology, or procedures are introduced into the system.

It is therefore recommended by the Committee that:

- (28) Police administration ensure every attempt is made to thoroughly inform all officers of the new policy guidelines on police pursuit.**
- (29) The new policy guidelines on pursuit be accompanied by the establishment of uniform criteria for data collection, and that all Ontario forces collect this data on pursuits in their jurisdictions and forward them to the Ontario Police Commission to facilitate policy planing and program monitoring.**
- (30) The new pursuit policy, supported by statistical and other relevant data, be evaluated by police authorities and by members of the public.**
- (31) All Coroner's reports investigating pursuit-related fatalities be regularly forwarded to the Ontario Police Commission and that the reports should include a copy of the original motor vehicle accident report, where applicable, and the original vehicle pursuit report submitted by the police.**

PART FOUR

MINORITY DISSENTING REPORT

MINORITY REPORT

Preface

Three committee members, each serving as representatives from the police community, have jointly expressed concern over the recommendations to strictly limit those occasions when the police may engage in vehicle pursuit.

The following pages replicate the formal memorandum of dissent filed by Chief Carl Johnston, Superintendent Donald L. Dowser, and Staff Sergeant Robert Morrison.

Introduction

Law enforcement officers generally agree that police pursuits are necessary to effect the apprehension of violators. The pursuit and apprehension of fleeing violators must demonstrate to the public that the law enforcement community is serious about the apprehension of violators, thus discouraging public disregard of the direction of a police officer to stop their vehicle when so directed. Failure to pursue fleeing motorists may encourage an escalation of violations of the law and may be considered as dereliction of duty by police.

Exemptions from certain traffic laws have already been put into place for law enforcement personnel while operating police vehicles in bona fide emergencies. Under the Highway Traffic Act, these exemptions include the right to exceed posted speed limits, and to proceed against a red light and/or stop sign after a full stop. More importantly, the Criminal Code of Canada Section 25 empowers a peace officer to use as much force as is necessary to prevent escape by flight. These exemptions are clear indications by our legislators that the law enforcement community requires special powers in order that the public fully realize the practice of taking flight from the police cannot be tolerated.

Statistical data reviewed by the Committee reveals that a 30 per cent reduction in police pursuits occurred during the 1981-1984 time period examined.

Expanded Ontario Police Commission Guidelines issued in 1982, which were widely adopted by police forces across the Province, were likely responsible for that reduction. In addition, implementation of the Driver Training Program at the Ontario Police College in 1982 could also be responsible for the reduction in pursuits due to the defensive techniques, philosophies, and procedures taught in this program.

Additional statistical data for the years 1981-1984 show that fewer pursuits were abandoned. But it also indicates that the number of citizen and police fatalities declined. Furthermore, the statistics show that over 26 per cent of pursued motorists were also apprehended for the offence of impaired driving. In many cases, these pursuits were initially commenced for the committal of minor Highway Traffic Act offences. We need not go into any great detail here on the amount of public and political pressure that has been placed upon police to reduce impaired driving. Are the proponents then, of restricting vehicle pursuit by the police only to cases where Criminal offences are involved, prepared to accept the presence of increasing numbers of impaired drivers on our highways, and the death and injury that may result, because of the suggested limitations the committee majority wishes to impose upon law enforcement?

With due regard to the careful deliberations of this Special Committee over the past year, as representatives from the police community we feel obliged to dissent with the recommendation that vehicle pursuit by the police be strictly limited on the precondition that legislation providing for owner liability be concurrently provided.

Our position is founded on three main concerns:

- (i) the inability of owner liability to adequately serve as an effective alternative to vehicle pursuit,
- (ii) that a primary purpose of vehicle pursuit is to determine the element of the unknown; i.e. why a motorist is fleeing,
- (iii) that lawlessness could increase, and overall public safety could decrease, if it were known that the police will not pursue for some offences.

Owner Liability

This minority group does not dissent with the enforcement of legislation providing for owner liability. Indeed, this is encouraged. However, we maintain that owner liability will not effectively replace vehicle pursuit.

First, it is not always possible to obtain a vehicle licence number without at least a brief pursuit, particularly at night.

Second, if the vehicle is a stolen or a rented car, obtaining a licence number will not be useful in apprehending the violator.

Third, serious criminals, having committed a traffic infraction and failing to stop for police, may escape because the police could not pursue, and were limited to obtaining a licence number.

The Element of the Unknown

By the provisions of The Police Act, the police must apprehend violators. While a traffic infraction may seem insignificant, the act of attempting to elude the police indicates a strong possibility that something more grave is amiss. Is the fleeing motorist in possession of narcotics, stolen property or is he impaired? Has his licence been suspended? It is the duty of the police to seek the answer to these questions. Their professional discretion in deciding to pursue a vehicle should not and cannot be restricted for the best interests of all.

Increase in Lawlessness

Once the public knows the police will not pursue for certain offences, those already inclined to break the law will take advantage of such restrictions on police ability. Lawlessness will increase on the road, and the effects may well ripple throughout society. Overall public safety could degenerate.

Proposal

This group maintains that the best means to reduce the incidence of vehicle pursuit and to increase overall public safety is to ensure that the pursuit guidelines issued by the O.P.C. are made mandatory for all Ontario forces.

It is suggested this be done by regulation under the Police Act, for a trial period of two years at which time policy evaluation would occur.

It is further suggested that the guidelines be shortened so that they are precise and explicit; a statement of policy, rather than a presentation of procedural norms.

Summary Position

The professional discretion of the police to engage in vehicle pursuit cannot be restricted. We support the enforcement of legislation providing for owner liability but do not view this as a plausible alternative to pursuit. As an option perhaps, but not as an alternative.

We support recommendations for a binding policy on vehicle pursuit, for tightening current policy to ensure that the hazards of vehicle pursuit are minimized, and for more police driver training. But we cannot accept outright restrictions on the professional ability of the police to pursue.

PART FIVE

APPENDICES

A-1

APPENDIX A
PRESS RELEASE
NOVEMBER 30, 1984



Ministry of the
Solicitor
General

November 30, 1984

TAYLOR ORGANIZES POLICE PURSUIT COMMITTEE

Solicitor General George Taylor announced today that ten people, including representatives from the police community and the private sector, will make up the minister's special committee on police pursuit driving.

"The committee represents a wide spectrum of the community," Mr. Taylor said. "Their mandate is a broad one and I am confident they will have useful contributions to make in this critical area of policing."

Mr. Taylor announced in October that the chairman of the committee would be John MacBeth, a former Solicitor General, who is vice-chairman of the Ontario Police Commission. Mr. Taylor said Mr. MacBeth would be setting the date for the first committee meeting shortly.

The committee's mandate will include the ability to receive briefs and evidence as well as research and review of present Ontario Police Commission pursuit guidelines and also a review of police policies and procedures for the purposes of making recommendations for:

- (a) alternatives to pursuit,
- (b) determining when to pursue a vehicle,
- (c) the conduct of a pursuit and deciding when it should be terminated,
- (d) approaching and methods of stopping a vehicle,
- (e) methods of pursuit training,
- (f) investigating mechanical devices to stop vehicles,
- (g) use of fire arms in pursuit situations,
- (h) present penalties under the law,
- (i) changes in the law such as owner liability for moving traffic offences, and
- (j) any alternatives to improve the safety of the police and public in pursuit situations.

"Quite simply, the committee has a mandate to review police procedures in pursuing and stopping a vehicle -- in the many different circumstances where the police must take action to stop a motor vehicle," Mr. Taylor said.

The Solicitor General emphasized that the police officers of Ontario "enjoy a very high level of support, confidence and trust from the people of this province."

He added that the police as well as the public are entitled to the highest level of protection the province has to offer and the committee's review is intended to be beneficial to both the police as well as the public.

APPENDIX B
COMMITTEE MEMBERS
AND STAFF

Roster of Committee Members

Mr. John P. MacBeth, Q.C., Chairman
Vice-Chairman, Ontario Police Commission

Mr. J. Kirby Best
President
T.H. Best Printing Co. Ltd.

Supt. Donald L. Dowser
Nominated Representative of
Ontario Provincial Police
(Traffic Programs Branch)

Mr. Charles R. Eddie, P. Eng.
President
C.R. Eddie Engineering
Member of the Society of
Automotive Engineers

Dr. J. Paul Grayson
Associate Professor of Sociology
York University

Mr. Dick Illingworth
Mayor of Aurora
(former aide-de-camp to the
Lieutenant Governor of Ontario)

Chief Carl Johnston
St. Thomas Police Force
Nominated Representative of
Ontario Association of
Chiefs of Police (OACP)

S/Sgt. Robert Morrison
Metro Toronto Police
Nominated Representative of the
Police Association of Ontario (P.A.O.)
Member, Board of Directors

Mr. Alfred Oakie
Executive Vice-President and
General Manager of the
Hamilton Automobile Club

Mr. Hugh Waddell
President
Municipal Police Authorities

Committee Staff

Mr. Jeffrey L. Davies
Legal Counsel

Ms. M.L. Girolametto
Committee Researcher

Mr. Gordon Hampson
Secretary
(Policy Development Officer, Ontario Police Commission)

APPENDIX C
SUMMARY OF RESEARCH ACTIVITIES

SUMMARY OF RESEARCH ACTIVITIES

The methods of study employed for our examination of the pursuit issue were varied, and generally served to ensure that maximum information was derived for the key issues defined by our mandate. The following briefly summarizes the main research activities undertaken by the committee.

- (1) The literature presently available on police pursuits was collected and a bibliography drawn up.
- (2) Old press clippings and media tapes were examined and current pursuit related incidents and issues were monitored and filed.
- (3) Previous studies on police pursuits were examined.
- (4) Statistics on the incidence of pursuit in Ontario were reviewed.
- (5) Pursuit policies from over 170 jurisdictions across Canada, the United States, Australia and the United Kingdom were examined.
- (6) A review of the laws pertaining to police pursuits throughout Canada was undertaken.
- (7) A review of legislation throughout Canada providing for owner responsibility with reverse onus provisions was also undertaken.
- (8) Police officers and professionals working with the police community were consulted.
- (9) Police driver training at the Ontario Police College was reviewed.
- (10) A special sub-committee was established to more closely examine the potential for airborne law enforcement in Ontario, as well as the systems presently operated by the Baltimore City and Maryland State police.
- (11) The police communications system was reviewed.
- (12) Tapes of actual pursuits undertaken by the Metropolitan Toronto Police were reviewed.

- (13) Some psychology was studied, including the effects of stress on the officer, and the possible motives of a motorist for initiating a pursuit.
- (14) A meeting was held with the R.C.M.P. Contract Branch in Ottawa for consultation regarding their policy on police pursuit and new program to monitor police pursuits in R.C.M.P. Divisions across the country.
- (15) Two days of public hearings were conducted in Toronto.

APPENDIX D
PUBLIC NOTICE



Ministry of the Solicitor General Special Committee on Police Pursuit Driving PUBLIC NOTICE

The Special Committee on Police Pursuit Driving has been appointed by the Solicitor General of the Province to make recommendations regarding police pursuit driving.

The Special Committee will hold public hearings commencing in the month of April, 1985, to hear the views of the public. Interested persons wishing to make submissions to the Special Committee are requested to notify the Secretary of the Committee, in writing, of their intention to do so, no later than Thursday, March 21, 1985. Such notices should be sent to the attention of Mr. G. Hampson, Secretary to the Special Committee on Police Pursuit Driving, Ministry of the Solicitor General, 9th Floor, 25 Grosvenor Street, Toronto, Ontario M7A 1Y6.

Any interested person who gives notice is requested to file with the Secretary to the Special Committee a brief containing his submissions at the above mentioned address, no later than Friday, March 29, 1985.

The Special Committee will then advise those interested persons who have filed a brief of the time and place where they may be heard by the Committee. The Committee will hold hearings in a number of locations.

Any person wishing assistance or clarification is invited to telephone Ms. M. L. Girolametto at (416) 965-3281.

John P. MacBeth, Q.C.
Chairman

Jeffrey L. Davies
Counsel

APPENDIX E

SUMMARY OF SUBMISSIONS TO THE COMMITTEE

SUMMARY OF SUBMISSIONS TO COMMITTEE

Public hearings were held in Toronto on May 10 and May 22, 1985 respectively. The following is a summary of presentations made at the hearings as well as presentations made to the committee at its regular meetings. Some citizens chose to present their views only in writing, and these are also summarized here. The committee extends its appreciation to all respondents for their efforts.

1. Citizens' Independent Review of Police Activities (C.I.R.P.A.)
represented by Mark Wainberg.

CIRPA is an independent citizens' group which monitors and reviews police activity. CIRPA presented a written brief and, through Mr. Wainberg, made oral submissions to the Committee.

CIRPA's primary position was that 99% of police chases need not be undertaken, as they are commenced for minor, unjustifiable reasons. The only justifiable chases are those commenced because the officer believes the vehicle operator is or was involved in a serious indictable offence; examples of kidnapping, murder and armed robbery were cited.

CIRPA's position was based on the 1982 Solicitor General's Annual Report on accident statistics. CIRPA said that only 1.33% of chases were commenced because the officer suspected a serious offence had been committed.

CIRPA also stated as follows;

- (a) The offender may not be driving dangerously prior to the chase, but once he tries to escape, his driving becomes faster and more erratic; the situation is even worse when the offender is impaired.
- (b) Insurance statistics indicate that a negligible portion of stolen vehicles are recovered through police chases, and when recovered, the vehicles are often severely damaged.
- (c) The Highway Traffic Act, SS. 181 and 189(a) empower officers to charge the owner of any vehicle attempting to escape, irrespective of the reasons the officer had for signalling the offender to pull off of the road. These provisions are rarely, if ever, used and should be used in lieu of continuing most chases. Once the officer can verify the licence plate number, he should break off pursuit.

- (d) The present Ontario Provincial Police Pursuit Policy provides too much discretion to the officer engaged in the pursuit, and it should be revised accordingly. The officer cannot make a reasoned, dispassionate decision to continue or discontinue in the circumstances of a pursuit; the decision is a "gut reaction", largely based on emotional factors, including strong peer pressure not to break off pursuit. The guidelines should clearly state that breaking off pursuit is not evidence of cowardice.

PROPOSALS

CIRPA, made four proposals as follows;

- (i) It should be required that in all cases except "suspected serious offence" cases, the officer not undertake pursuit. He should note the vehicle licence plate number, if this can be done quickly and safely, then abandon pursuit.
- (ii) Even in "serious offence" cases, pursuit should be a last resort, after helicopters, surveillance, licence number tracing and roadblocks or spike belts have been utilized and have failed.
- (iii) Extensive use should be made of the Highway Traffic Act sections 181, 189(a) and 192 (impound vehicle after chase) to charge owners. This will force owners to divulge the name of the operator.
- (iv) Improved mandatory pursuit guidelines should deal as harshly with pursuits as firearm guidelines deal with the use of firearms. The guidelines should have the force of law. The Regulations established under the Police Act should be amended to make it an offence for an officer to "wilfully violate pursuit guidelines, thereby endangering himself or members of the public."

2. ONTARIO PROVINCIAL POLICE (O.P.P.) represented by Superintendent Keith Wellstead.

The O.P.P.'s position was that a ban on pursuits would encourage violators to take flight, and the O.P.P. therefore opposes any ban. The O.P.P. stated as follows;

- (a) The statistics available on police pursuits are misleading and difficult to apply because they do not account for many relevant factors (e.g. reason for discontinuing pursuit, conclusion of pursuit, charges laid and the like).

- (b) O.P.P. vehicle pursuits have declined from 631 in 1981 to 449 in 1984. This shows that the present pursuit policy is working and ought not to be interfered with.
- (c) Many motorcyclists and impaired drivers are "elements of our society" who are prepared to avoid police in any event.
- (d) The O.P.P. has useful police driving programme in effect, but although 480 veterans have taken the course between October, 1984 and February, 1985, it will take 4 years to train all active officers as well as new recruits. The O.P.P. supports additional driver and pursuit training of police officers.
- (e) The present communications net available to police forces is inadequate to facilitate co-ordinated action in pursuit situations. A central radio dispatched system on a district basis is being developed which will allow the O.P.P. to communicate with municipal police forces en route, but implementation of the system has been delayed.
- (f) Spike belts are expensive, bulky and difficult to usefully deploy. As most pursuits last less than 10 minutes there is very little time to get ahead (or radio ahead) of the offender and deploy the belt. It is more useful in open stretches of highway than in urban areas, where the offender can choose many escape routes and avoid the area where the belt has been deployed.
- (g) Section 181 of the Highway Traffic Act is rarely used because it is difficult to get evidence against the owner; invariably the owner states that the car was stolen. To convict under section 189(a) it is necessary to prove that the operator "wilfully continued to avoid police" before the 3 year licence suspension penalty is available, and this, being subjective, is difficult to do.
- (h) The O.P.P. objected to CIRPA's recommendation that officers only pursue when they suspect a serious offence, because it is very difficult for an officer to know why a driver tries to escape; he may be trying to get away to avoid capture for a serious offence. Only a small percentage of persons flee police merely to avoid a ticket (13%, base on a California study).
- (i) The "Starsky and Hutch" syndrome, (where young officers feel obliged, or more "macho" if they engage in high speed chases) if it exists, is squeezed out of recruits in training and in day to day work on the job, as officers develop a more realistic understanding of their role as peace officers.

PROPOSALS

The O.P.P. made the following proposals;

- (i) The "Officer Judgement Model", presently used in the Police Pursuit Guidelines, should be continued unchanged; leave the option of pursuit up to the officer, subject only to a require-ment that the safety of the public be a factor to be considered in the officer's exercise of discretion.
- (ii) A more precise method of reporting pursuits should be developed along the lines of the "Motor Vehicle Accident Report" form, to better acquire pursuit statistics for the future.
- (iii) Communications systems should be improved as suggested.
- (iv) The Committee should accept that the inherent risk in a pursuit is counterbalanced by the risk to society of allowing offenders to escape. Pursuits deter people from trying to escape. The O.P.P. has no evidence of this latter proposition but believes it to be true.

3. JOSEPH CUSIMANO

Mr. Cusimano is a private citizen who has had an interest in police matters for a number of years. He made the following submissions;

- (a) The Committee should do its best to improve young people's attitudes toward the police and to illustrate the physical outcome of pursuits to young people. A public awareness programme should be instituted.
- (b) Radar locations often seem to the motorist to be devised solely to entrap them. This causes resentment, and may incite the motorist to attempt to escape the officer. Therefore, radar speed control procedures should be re-evaluated.
- (c) Motorcycles should be reinstated for traffic control procedures freeing up police cruisers for chase situations.
- (d) The use of aerial surveillance over urban areas should be evaluated.

- (e) A master emergency services control centre should be established. Such a centre would co-ordinate all police in all jurisdictions to avoid transjurisdictional communication difficulties. Also, a separate radio should be installed in each police vehicle, allowing officers to speak directly to each other without the necessity of going through a dispatcher.
- (f) All police vehicles should be equipped with lights, sirens and a public address system.
- (g) The Citizens Band Radio should be revived and championed by government. Citizens could then report suspicious events or vehicles operating in contravention of the law to police directly.
- (h) The licence plates should be removed from any vehicle involved in a chase immediately upon being stopped, and confiscated for a mandatory 7 day period.
- (i) Firearms may be useful in some situations and their use should not be restricted.
- (j) "Ghost" cars and similar innovative methods of policing should be used more often in Ontario.
- (k) A "research and development" department should be created under the Ontario Police Commission. Its mandate would be to develop new and innovative methods and devices for policing.

4. POLICE ASSOCIATION OF ONTARIO represented by its President, Officer Rod Gilmour.

The Police Association presented an oral brief to the Committee, and made the following submissions;

- (a) Most police officers do not want to die. They would not place their lives in jeopardy without good reason, and common sense would dictate when a pursuit had become dangerous and should be terminated. Pursuits are an integral part of policing, and should not be banned.
- (b) The Sergeant of Communications, who is the authority at the radio dispatching centre, should make the decision to call off a chase if the officer has not made the decision to do so. If the officer disobeys, he should be subject to discipline.

- (c) The police officer has a sworn duty to apprehend offenders, and is always subject to a review of his decisions by his superiors on the following day. These factors may tend to increase the officers incentive to continue the pursuit, to avoid looking cowardly in the eyes of peers and superiors.
- (d) The present driver training program is a good one, but it should include psychological testing and training as well (to identify officers stress reactions and identify trainees who exhibit the "Starsky and Hutch" syndrome).
- (e) A public awareness program should be instituted, especially in schools, to impress on the next generation of potential offenders the dangers of attempting to escape.
- (f) The penalties for attempting to escape should be increased. A minimum jail term should be imposed on escapees where the pursuit resulted in death or injuries. Suspension of a licence is not a deterrent.
- (g) Not pursuing impaired drivers results in their "getting away with it", and more persons might be injured in the long run. Many of the persons who now pull over for police may not if they knew the police could not pursue them.

- (h) The media tends to blame the police for the tragic results of many chases, when the blame should more properly be placed on those who bring on the chase by refusing to stop.
- (i) Sections 181, 189(a) and 192 of the Highway Traffic Act are not the answer because the decision to pursue is a "gut reaction" on the part of the officer.

PROPOSALS

The Ontario Police Association proposed that the status quo should be maintained.

5. GILLES VILLENEUVE FOUNDATION as represented by Mr. Ted Dash.

The Villeneuve Foundation was founded as a charitable organization to promote advanced driver training courses, elementary level safety classes and high speed motoring research in Canada, the latter through the McGill Research Group.

The Foundation made the following submissions, through its President, Mr. Dash and through Doctor Jacques Dallaire, a member of its research group:

- (a) A high speed pursuit places many physical constraints on the officer: terrain changes, road changes, direction changes etc. The task is extremely difficult, and officers not physically capable of handling the situation cannot be expected to perform at their peak.
- (b) Police vehicles are not designed to perform properly or safely in a high speed pursuit. They would not stand up to a regular checkup at Mosport Raceway. It is impossible to ascertain whether the vehicle being pursued is safe for such activities.
- (c) Sections 181 and 189(a) of the Highway Traffic Act should be used to charge the owners of the escaping vehicle rather than engage in protracted pursuits.
- (d) Police officers are "scared to death" of pursuits; the ramifications, both to life and to career are staggering. Such an attitude is not conducive to making decisions or operating the vehicle during a high speed chase.

- (e) High Speed Driver training courses should be mandatory for all police officers. This was once undertaken by Howe Motorsport under the auspices of Transport Canada approximately 5 years ago. A training module was put together after a lengthy review of police procedure around the world. The Foundation will make this document available to the Committee.
- (f) Officers should be more physically and psychologically fit before engaging in a high speed chase. Such chases place extensive demands on the mind and the body, but a fit, well adjusted person is better able to cope.

PROPOSALS

The Foundation made the following proposals;

- (i) Creation of an Advanced Driver Training Program;
- (ii) A strict police pursuit policy should be mandated and monitored;
- (iii) The owner should be charged, and should be required to either produce the driver (or proof of theft) or be held liable;
- (iv) Alternatives to pursuits should be studied and funded.

6. H. RUHL MACHINERY (RUHL) represented by Mr. Terry Decosemo.

Ruhl distributes a vehicular recording device known as a "Tachograph". It proposed that this device be installed in all police vehicles. It would monitor the vehicle's activities such that one could determine exactly when a chase began, the siren and lights were activated, and the chase was concluded. The device costs between \$600 and \$1,200 per vehicle installed and lasts an average of five to six years.

The device was tested by Sarnia police (as related by Chief Cook of Sarnia) and the officers rejected it because it showed when the cars were actually inactive when they should have been active, and other similarly embarrassing things. The officers rejected such close monitoring of their activities and damaged the machines.

7. ONTARIO ASSOCIATION OF CHIEFS OF POLICE (OACP) represented by Chief Cook of Sarnia.

The OACP made the following submissions;

- (a) Section 181 should be amended to create owner liability for all offences arising from the operation of a motor vehicle.
- (b) A defensive driving program should be established for all police officers.
- (c) Pursuits are necessary for the preservation of law and order, and the police should not be hindered in their "right" to pursue.
- (d) The existing pursuit guidelines should be reviewed, with the object of establishing minimum standards for all Ontario Police Forces. The Hamilton Regional Police guidelines are excellent.
- (e) All police forces throughout Ontario should be equipped with common channel capabilities to facilitate transjurisdictional communications.
- (f) Helicopters are of little use because the pursuit is over before the aircraft arrives in the vicinity.
- (g) A pursuit should be abandoned once the licence plate number is obtained where it was initiated solely because the offender was speeding, or was suspected of careless driving or dangerous driving, of failing to remain at the scene of an accident, of disobeying signals or of disobeying traffic officers. Impaired drivers should be pursued and stopped. Stolen vehicles should be pursued and boxed in in some way, as should operators suspected of a serious offence. Approximately 50% of pursuits should not be engaged in beyond the point where the licence plate is safely observable, and 25% should be discontinued once other means are available to "box in" the offender.
- (h) Peer pressure among officers tends to require continuation of the pursuit; breaking off is a sign of cowardice among officers, even though police policy is to the contrary.
- (i) Firearms should not be used from a moving vehicle in any event. However, each Force has its own policy.
- (j) Better statistics will not be of any practical value, and will create more paperwork for police.
- (k) All police cars should be equipped with a standard list of emergency equipment, including lights and sirens.

- (1) Police officers do not like pursuits. The media should stop fostering the "Smokey and the Bandit" image and place the blame on the offender, where it belongs.

8. HOVEY INDUSTRIES (HOVEY) represented by Mr. Williams.

Hovey manufactures the "spike belt", designed for the R.C.M.P. The spike belt is designed to be laid ahead of an escaping vehicle, puncture the tires and cause a slow, constant deflation rather than a sudden, uncontrolled blowout.

The belt is not meant to replace pursuits. It is meant to replace roadblocks.

The belt costs between \$500 and \$600.

Although the R.C.M.P. has 200 or 300 belts, no statistics on its use are available, but feedback from the officers has been positive.

It is of little use in heavy traffic and urban areas, but very effective in limited access areas.

PROPOSALS

Hovey proposes that the belt should be in all police vehicles as standard equipment.

9. SAFE-T-STOP represented by Sergeant David Robertson and demonstrated to the committee at the Ontario Police College in Aylmer.

"Safe-T-Stop" is a solid state transmitter/receiver system used to disable vehicles. The receiver must be installed in the ignition system of all vehicles on the road. It is not open to receive signals until activated by sudden, rapid acceleration, depression of the accelerator to full speed or erratic, evasive driving. Once activated, the receiver is open to receive signals for a set period of time.

The transmitter is carried by police. When a transmitter is directed at a vehicle which has an activated receiver, the receiver accepts the signal and cuts the voltage to the cars spark plug system, effectively causing the car to slow, sputter and eventually choke out.

Motorcycles are shut off completely, as they are not equipped with power assisted steering or brake systems which, in order to function properly, require the continued operation of the engine. The device has been tested by the National Research Council, and found to perform as stated. However, intensive tamper tests have not been done.

The system could only be effective if it is totally tamper-proof, and receiver equipment is installed on all vehicles. Legislation would be required.

10. RANGER HELICOPTERS (RANGER), by written submission and presented to the committee April 15, 1985.

Ranger was created in 1974 to offer helicopter charter services and flight training.

Very few police forces in Canada operate helicopters (O.P.P. and R.C.M.P.) contrary to the United States where many forces use them.

Toronto would require two helicopters on constant patrol to cope with pursuits. Ranger proposes a two year test program using four R22 helicopters, two of which would patrol the city pursuant to a four quadrant grid.

Helicopters cannot be flown at night. Therefore any patrols would be limited to dawn to dusk periods.

It would cost \$78,582.95 per month for the equipment, pilots and backup personnel, and a further \$60.06 per hour flown for fuel and hourly use charges. Flight instructions for police trainees would be \$8,506 per officer.

11. LETTERS TO THE COMMITTEE

The Committee received seven letters from various areas of the province expressing views varying from support of the present police pursuit policy to support of a ban of police pursuits.

Among the proposals received were the following:

- (a) The owner should be required to provide the vehicle operator's name.
- (b) Police officers should receive higher quality training in high speed driving. Younger officers and new recruits should be screened to avoid fostering the television image of police chases.
- (c) The spike belt should be deployed.

- (d) Youngsters on joy rides and motorcyclists should not be pursued.
- (e) Radio communications between jurisdictions should be improved.
- (f) To remove an officer's power to pursue would be similar to arming him with a gun but not providing bullets. Offenders will not stop for police if they know they will not be pursued.
- (g) Pursuits should be called off if they proceed into crowded areas, if the driver is identified or when injuries are likely to ensue.
- (h) Police vehicles should be equipped with compressed air powered fluorescent paint launchers on the front bumper. The offender's vehicle could be marked and easily identified thereafter.
- (i) The officer's judgement should in all cases, be unquestioned. The offender causes the chase, and any tragic outcome should be solely blamed on him or her, not on the officer.

12. MINISTRY OF THE SOLICITOR GENERAL'S CRIME PREVENTION PROGRAM
Presented by Mr. John Bell, Crime Prevention Co-ordinator
at a regular meeting of the committee, July 9, 1985.

Mr. Bell explained that the Crime Prevention Program could provide useful services in educating the public on police pursuits. The program presently serves schools, libraries and police forces across the province, presenting seminars, and displays, and producing pamphlets. The Program also runs Crime Prevention Week, which seeks to increase public awareness of what can be done by citizens to prevent crime.

Mr. Bell suggested that through his group, literature on police pursuits could be devised and effectively disseminated through the channels presently available to the Crime Prevention Program.

APPENDIX F
SUMMARY OF THE COMMITTEE'S
PURSUIT POLICY REVIEW

INTRODUCTION

The Special Committee undertook an extensive review of pursuit policies in effect across Ontario and elsewhere. This paper summarizes the findings of this policy review.

Section A outlines the three basic models for pursuit policy development. Section B discusses the fundamental tenets of Ontario's pursuit policy and the adaptation of OPC policy by the province's 126 police forces. Section C provides a comparative review of pursuit policies in selected jurisdictions throughout Canada, the United States and Australia, as well as that of Greater Metropolitan London (England).

The objective of establishing a sound policy on police pursuits is the protection of the public and police from undue hazards arising from the necessary tasks of law enforcement.

Over 170 vehicular police pursuit policies were examined from across Canada, the United States, Australia and Greater Metropolitan London. Safety was consistently the key focus of each policy.

The prevailing policy model in effect is clearly "Officer Judgment". The O.P.C. guidelines fit within this type of model. Where airborne law enforcement or owner liability legislation with reverse onus provisions has been established, pursuit policies are generally more restrictive.

No agency expressly forbids pursuit at all times.

SECTION A

Pursuit Policy Models

There are three basic models possible for pursuit policy. The operative factor in each of these models is the scope of decision making power allowed the pursuing officer.

(a) Officer Judgment Model

This model represents the least restrictive of pursuit policies. All basic decisions to initiate, conduct, or terminate hot pursuit are made by the street officer. His decisions are subject to internal review and possible legal action depending on due care provisions.

(b) Restrictive Policy Model

This model represents pursuit policies which somewhat limit the circumstances under which pursuit may be initiated. Certain restrictions regulate the officer's decision to initiate, conduct or terminate a pursuit.

(c) Discourage Pursuit Model

These policies discourage the police from engaging in pursuit unless (a) there is no other way to apprehend the fleeing suspect, and (b) it is a case of extreme emergency.

There are obviously a number of variants to these models that may be devised to suit specific needs. The restrictions, for example, on an officer's decision to initiate, conduct or terminate a pursuit, may be based on the offense committed, time of day, weather, traffic, speed, the age of the offender or geographic area.

It should be noted that of all the pursuit policies surveyed, no agency expressly forbids an officer to engage in pursuit at all times.

The International Association of Chiefs of Police has developed an "Officer Judgement" model policy of their own and its principles have been adopted by the American Association of Chiefs of Police, the Canadian Association of Chiefs of Police and the Ontario Association of Chiefs of Police. The guidelines issued by the Ontario Police Commission follow this model policy as well.

Our review of pursuit policies reveals that a distinct and strong relationship may be drawn between a given policy model and the document explaining it; the more restrictive policies are generally shorter and more precise than those which are less restrictive.

The variation in treatment may be attributed to differences in how pursuit is fundamentally perceived. All three policy models clearly stress the dangers of pursuit and the essential need for safety. However, the more restrictive policies increasingly regard pursuit as an emergency measure, occasionally equating it to the use of deadly force. The less restrictive policies regard pursuit less as an extreme means of suspect apprehension and more as an integral function of the law enforcement mandate.

As a result, the less restrictive policies are essentially required to be largely occupied with ensuring that all pursuits follow prescribed procedural norms. In the process however, at least some of the notion of pursuit as a hazardous measure becomes clouded in regulatory detail.

On the other hand, the more restrictive policies, in their regard for pursuit as a serious measure, to be deployed only at the most emergent of times, are little concerned with procedural detail that subsequently add to unwieldy document length.

Even under "officer judgment" policies, it is implied -if not explicitly set out - that emergency situations require emergency means. Procedural norms fade somewhat in significance.

The advantage offered by the perspective stressing the risks involved in pursuit is obvious. There is little need for detailed discussion of procedure. The result is a policy which offers more certain and lucid direction and less room for errors of discretion.

The counter argument immediately arises that it is both unwise and unfair to place restrictions on the professional judgment of law enforcement authorities. To a significant extent this is theoretically true. However, in a practical sense, it is necessary to first examine what is being restricted and why. In this case, what is being restricted is the number of unnecessary pursuits and the reason for restriction is the protection of human life. This point is crucial for a proper understanding of the questions bound in the pursuit issue.

SECTION B

Ontario's Policy on Police Projects

CONTENT: SAFETY AND SOUND JUDGMENT

The philosophy of the OPC guidelines is best summarized as stated in this excerpt:

"The responsibility for the decision to pursue and the methods to be employed during pursuit rest with the individual officer. In arriving at his decision he must carefully consider all of the factors involved, including the seriousness of the offense, all the possible consequences, and of the utmost importance, the safety of all persons, including himself."

Safety is evidently central to the OPC guidelines on pursuit driving, indeed the basis for sound officer judgment. Nearly two full pages of the comprehensive five page document are specifically directed to safety precautions. An outline of standard procedures occupies the remainder. Roles and responsibilities are identified, communications are stressed and virtually all major pursuit related issues have been incorporated.

Relative to other policy statements, a few exclusions exist in the OPC policy. Most notably, these are guidelines on the pursuit of motorcycles, the deployment of roadblocks and the use of marked cars.

Generally, the basic directives of the guidelines may be summarized as follows:

1. When to Pursue - under safe circumstances
 - key factors are weather, road, traffic, vehicle conditions, seriousness of offense, age of offender, if identity is known
2. Sound Judgment - exercise caution at all times as outlined above
3. Emergency Equipment -
 - utilize warning lights and siren if vehicle is so equipped

4. Communications - contact and maintain communications with dispatcher
5. Secondary Units - secondary unit will be designated by a dispatcher but no more than two units may be directly involved in the pursuit
6. Firearms - restricted as per The Police Act
- "Except in extreme cases, the firing of shots at or from a moving vehicle is prohibited." (P.4)
7. Ramming - prohibited except in extreme cases
8. Supervisor - may order termination of a pursuit
9. Juveniles - "Pursuit should be abandoned if the pursuing officer knows, or is almost certain, that the driver is a juvenile and the offense is not grave." (P.4)
10. Driver Identity Known -
"Pursuit should be abandoned when the offense is not grave and the identity of the violator is known." (P.4)
11. Reporting a Pursuit -
supervisor should review the procedures that occurred during the pursuit to determine if the actions of the officers involved were in accordance with established policies.

STATUS: ONTARIO FORCES SUPPORT OPC GUIDELINES

Despite no formal obligation, a review of the pursuit policies in effect across the province reveals that the OPC guidelines have been closely incorporated, if not adopted verbatim, by most forces. The two charts which follow categorize all police forces in Ontario according to how they have acted on the pursuit driving guidelines suggested by the OPC.

Widespread acceptance of the OPC guidelines is immediately apparent from the charts, though several smaller forces have adopted certain more stringent restrictions.

(a) Walkerton discourages police pursuits.

"Unless the occupants of a vehicle that indicates or initiates the involvement of high speed pursuits by this department, are known to be dangerous criminals or are persons whom are known or suspected of being involved in a very serious crime, high speed pursuits will not be allowed."

(b) Wallaceburg also discourages officer involvement in police pursuits.

"Effective this date, all officers are advised that should they get involved in a high speed chase which results in personal injury to persons, or property damage, charges will be preferred in all instances for:

(a) disobeying a lawful order, or

(b) unlawfully damaging police equipment."

(c) Mount Forest restricts pursuits by the following:

"Non-Hazardous violations such as equipment, registrations, or completed violations (e.g., passing a stop sign, running a red light) seldom, if ever, warrant pursuit especially high speed pursuit."

(d) Brantford and London strictly prohibit the use of firearms during all pursuits.

(e) London and Woodstock stipulate that emergency equipment must be displayed during all pursuits.

(f) Certain forces, of which Brantford, London and Woodstock are only three, stipulate that unmarked cars will engage in pursuit only when the offense is of grave seriousness and no marked car is available.

- (g) Certain forces, of which Brantford, London and Woodstock are only three, specifically restrict the use of roadblocks to extreme cases.
- (h) London and Woodstock specifically state that "it is better to allow a violator or criminal to escape than to kill or injure innocent people." Strathroy warns that "high speed pursuits should never have any element of personal challenge to the officer."
- (i) The definition of pursuit for London and Woodstock is rooted in speed as well as in the failure of a motorist to obey an officer's signal to stop.

London: Pursuit occurs when a driver ignores the signal of an officer to stop and the speed of the police vehicle exceeds the speed limit by twenty miles per hour.

Woodstock: Pursuit occurs when speeds exceed thirty kph over the posted limit for a distance greater than 1/2 km.

Status of
Ontario Police Commission
Pursuit Driving Guidelines

Follow OPC 1982 Guidelines (except where other year is specified)	Some Modifications to OPC <u>1982</u> Guidelines	Own Guidelines (but with careful regard for OPC 1982 Guidelines)	No Written policy on pursuits
Alexandria	Brantford*	Alliston	Hawkesbury
Amherstburg	Brockville (/79)	Anderdon	Kingsville
Belleville	Cornwall	Atikokan	Lakefield
Carleton Place (/79)	Haldimand-Norfolk	Aylmer	Marathon
Chesley	Hanover*	Barrie	Michipicoten
Clinton	Innisfil	Bradford	New Liskeard
Collingwood	Kapuskasing	Cardinal	Tavistock
Deseronto (/76)	Kincardine	Chatham	Milverton
Dresden	North Bay	Cobourg	St. Clair Beach
Durham	Pembroke	Colchester South	Village of
Espanola	Peterborough*	Deep River	Stirling
Gananoque	St. Thomas	Dryden	
Harriston	Shelburne	Durham Reg.	
Ingersol	Stratford	Elliot Lake	
Kemptville (/76)	Sudbury	Essex	
Kenora	Timmins	Exeter	
Lindsay	Waterloo Reg.	Fergus	
Listowel		Fort Frances	
Meaford (/76)		Gloucester	
Mersea (/76)		Goderich	
Midland		Guelph	
Napanee (/76)		Halton Reg.	
Nepean		Hamilton Wentworth	
Orangeville		Kingston	
Orillia		Kirkland Lake	
Palmerston		Leamington	
Parry Sound (/76)		London*	
Picton (/76)		Metro Toronto Police	
Perth		Mitchell	
Port Hope		Mount Forest*	
St. Mary's		Niagara Reg.	
Southampton		O.P.P.	
Sturgeon Falls		Ottawa	
Tillsonburg		Owen Sound	
		Paris	
		Peel Reg.	

*Indicates somewhat more restrictive policies which are discussed in more detail in the following section.

Status ofOntario Police CommissionPursuit Driving Guidelines

Follow OPC 1982 Guidelines (except where other year is specified)	Some Modifications to OPC <u>1982</u> Guidelines	Own Guidelines (but with careful regard for OPC 1982 Guidelines)	No Written policy on pursuits
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Penetanguishene
 Petrolia
 Point Edward
 Prescott
 Red Rock
 Renfrew
 Terrace Bay
 Township of
 Sandwich West
 Sarnia
 Township of
 Sarnia
 Sault Ste. Marie
 Smith Falls
 Strathroy*
 Thornbury
 Thunderbay
 Tilbury
 Trenton
 Tweed
 Walkerton*
 Wallaceburg*
 Wiarton
 Windsor
 Wingham
 Woodstock*
 York Reg*

 No Replies Received From:

1. Village of Hastings
2. Norwich
3. Port Elgin
4. Seaforth

* Indicates somewhat more restrictive policies which are discussed in more detail in the following section.

Numerical Summary of
Status of OPC
Pursuit Driving Guidelines
Among Ontario Police Forces

	Number	%
Follow OPC 1982 Verbatim	26	20.64
Follow OPC 1979 Verbatim	1	.79
Follow OPC 1976 Verbatim	7	5.56
<u>Follow Verbatim:</u> Sub Total	<u>34</u>	<u>26.99</u>
<u>Some Modification to OPC Guidelines</u>	<u>17</u>	<u>13.49</u>
Own Policy with close regard for OPC Guidelines	61	48.41
No written policy	10	7.94
No reply	4	3.17
<u>Total</u>	<u>*126 Forces</u>	<u>100.00</u>

* Includes the O.P.P.
Excludes Arnprior which, effective April 1, 1985,
ceased to exist.

SECTION C

Comparative Policy Review

SUMMARY

Ontario's policy on police pursuit driving is comparable to the pursuit policies in effect across Canada, the United States, Australia and Metropolitan London.

In none of the 170 jurisdictions surveyed is pursuit absolutely forbidden. In all of the jurisdictions, officer judgement is at least part of their policy on vehicle pursuit. In some of the jurisdictions, a more restrictive policy on pursuits has been implemented, but these restrictions never apply in all cases. Certain policies explicitly state that pursuit is not permitted, but then proceed to give qualifications.

Overall, the most conspicuous difference between the policy statement of other forces' and Ontario's is the absence of a statement detracting from the "macho" of police pursuits.

"No member shall be criticized if he elects, in the interests of safety, not to pursue, nor continue to pursue a vehicle which refuses to stop. A decision on the grounds of safety is not a sign of cowardice. It is more preferable to let a criminal escape than to kill or injure innocent people."

(Calgary, P.95)

A second notable difference is the lack of recognition of the deadly force inherent in a motor vehicle travelling at high speeds. Some forces stipulate that the deadly force of a motor vehicle is at least equal to the deadly force of a hand gun and must be treated with the same respect and caution.

CANADA

The main difference between Ontario's policy on police pursuits and those of other Canadian jurisdictions occurs where owner liability legislation is enforced. Owner responsibility with reverse onus provisions is in effect in all provinces except Ontario, Newfoundland and the Northwest Territories. In Ontario however, while owner responsibility exists under Section 181 of the Highway Traffic Act, it has not been enforced for the offence of failing to stop.

While the jurisdictions enforcing owner responsibility with reverse onus recommend that pursuit may be terminated once the licence of the fleeing vehicle has been obtained, none expressly prohibit continuing pursuit. For example, the Calgary guidelines state:

"If an Alberta licence plate number has been obtained or the fugitive is otherwise known or can be identified, this should be a factor for discontinuing the pursuit."

In certain other jurisdictions, despite the enactment of owner responsibility, no mention is made at all of this alternative to high speed pursuits. The Winnipeg and Vancouver guidelines fall into this category.

Further to the issue of owner liability, the number of additional restrictions regulating pursuits in Canadian jurisdictions outside of Ontario is few, and their impact is potentially limited. Enforcement depends on the pursuing officer's interpretation of the surrounding circumstances.

Among these are the following:

Communications

Some forces allot the responsibility of maintaining communications to the secondary or back-up pursuit unit, rather than the primary unit as is the case in Ontario.

Pursuing Motorcycles

The Calgary guidelines recommend that:

"If the fugitive is on a motorcycle, is dangerously exceeding the speed limit and shows a persistent determination not to stop, serious consideration should be given to discontinuing the pursuit."

Hollow Spike Belt

Because several forces in Western Canada, particularly the RCMP, frequently deploy the hollow spike belt, regulations on the use of the belt are included in their pursuit driving guidelines. The belt is not to be used in apprehending motorcycles or any vehicle with less than four wheels.

Firearms

Restrictions somewhat stricter than Ontario's may be in effect for the discharge of firearms during pursuits in Regina, Winnipeg and Montreal in particular. Regina prohibits the discharge of firearms except in self-defense or when being fired upon. Winnipeg states that firearms may not be discharged to immobilize a vehicle and Montreal commands that shots not be fired in warning except in life and death emergencies.

Unmarked Cars

Virtually all forces outside of Ontario require that unmarked cars not engage in pursuit except in the gravest of emergencies, and that once a marked car is available, it is to assume from the unmarked car the responsibility for the pursuit.

Passengers

Calgary - if passengers are in the pursued vehicle.

"If the fugitive goes directly through one or more stop signs or red lights at a speed which would endanger life, including that of the fugitive if a collision took place, the pursuit should be discontinued."

Follow Up

Calgary appears to place a greater emphasis on the follow up and review of officer conduct during a pursuit. Such follow up, if executed consistently, may act as a disincentive to pursue unnecessarily.

Distance

Calgary recommends that any pursuit lasting in excess of 2 km warrants consideration to terminate.

RCMP

The RCMP make a distinction between "Routine Pursuit" and "Hazardous Pursuit" in their pursuit driving policy. After making an initial distinction between routine and hazardous pursuits, the policy continues on to discuss hazardous pursuits. The policy also states that "Hazardous pursuits shall be initiated and continued only as a measure of last resort....."

UNITED STATES

The police pursuit policies in effect throughout the United States differ from Canada's notably only where airborne law enforcement has been established. Mention of owner liability with reverse onus provisions, is rarely included as a criteria for discontinuing a pursuit even in jurisdictions where such legislation has indeed been established.

Baltimore enforces one of the most restrictive policies on police pursuits, refusing to permit them except in life and death circumstances. Further to this, "operators are cautioned that the operation of a motor vehicle in a high speed pursuit requires the same care and caution as the use of the firearm." (P.1)

New Haven, Connecticut has instituted a similarly restrictive policy:

"High speed chases should not be engaged in unless absolutely necessary . . .

Pursuit is authorized to apprehend a fleeing felon or misdemeanor . . . It is important to remember that in almost all cases the high speed pursuit of a stolen motor vehicle, although a felony, can never balance the risk of such a pursuit." (P.2)

New York State pursuit policy demands that a "traffic offense alone does not justify the risks of high speed pursuit", and that "if an occupant of the fleeing vehicle is known to be wanted for a felony or a serious misdemeanour, high speed pursuit may be justified."

Oregon policy dictates that:

"Any ordinary traffic offense or other relatively misdemeanour is never itself sufficient reason and even serious crimes are not always justifiable cause for a member to risk causing grave injury or serious property damage to the member or others."

Tacoma City's policy is somewhat unique in that it sets out different conditions for engaging in pursuit at moderate and at high speeds.

It should be noted that of all the forces discussed above, only New Haven does not also operate an airborne division.

As in Canada, many jurisdictions have instituted restrictions on pursuits such as the circumstances under which firearms and unmarked cars may be employed. But none of the forces has a partial or total ban on police pursuits.

Finally, a common inclusion in U.S. pursuit policy statements are lengthy discussions of issues of civil liability. These are incorporated directly in the guidelines as a cautionary note or appended as a separate document containing actual case citations.

AUSTRALIA

Officer judgment is clearly the prevailing pursuit policy model in effect throughout Australia.

The South Australia and Tasmania Police cite owner liability as an alternative to pursuit. Once positive identification is made, the pursuit should be terminated.

The Northern Territory and the Federal Police informed us that they had developed no written policy specific for pursuit. However, Federal Police procedures stipulate that only "specialist" drivers may engage in emergency or pursuit driving and only in "official motor vehicles."

The policies of Western Australia and Queensland are very similar. However, Queensland, while relying on "sound judgment" in its procedures manual, recommends in its pre-service lecture handbook from the Queensland Police Academy that it is better to "avoid high speed chases unless the matter is extremely serious."

New South Wales has yet to forward its response to this Ministry. Their government has recently established a Parliamentary Road Safety Committee to examine road safety issues, and one of the topics under review is high speed police pursuit procedures.

METROPOLITAN LONDON POLICE (ENGLAND)

An "officer judgment policy is in effect with certain additional restrictions."

Who May Pursue

Only a special grade of officer in specially equipped cars may pursue. "The police drivers involved should be of the highest possible category and the vehicles they drive should not be of the 'general purpose' or panda type." Driver training is offered at the General and Advanced levels.

General training is given to all police drivers and covers all the normal stops carried out regularly which generally give little rise to difficulty. Advanced or Specialist training is required for officers of specified grades to deal with emergency and extreme cases when a suspect vehicle refuses to stop.

Firearms

"Police officer will not fire at or from a moving vehicle".

Because of the construction of modern vehicles, shots are likely to be ineffective against the vehicle and could cause a very real danger of ricochet. If the driver is killed or injured, the possibility of the vehicle going out of control is high. Shots from moving vehicles are unlikely to be accurate because of the movement of the shooter and the target".

(Manual of Guidance, "Police Use of Firearms",
Ch. 7 Paragraph 3)

The Law

No law pertaining specifically to police pursuits, similar to the provisions of Section 189(a) exists. There are presently no forthcoming changes which will establish the liability of the owner for the offenses committed by the driver of a moving vehicle. Only in the case of parking offenses do the owner liability provisions in The Road Traffic Act 1974 apply.

Mechanical Devices

The use of mechanical devices to stop cars is under review by the Association of Chief Police Officers (A.C.P.O.) under the Traffic Committee. However, with the exception of the Royal Ulster Constabulary, such devices are not permitted in the United Kingdom.

APPENDIX G

**ONTARIO POLICE COMMISSION
PURSUIT DRIVING GUIDELINES
1982**

Subject: Police Pursuit Driving

- I PURPOSE: To establish provincial guidelines covering pursuit driving by police officers.
- II GENERAL: Whether a particular speed is "safe" will depend upon the police vehicle, its driver and the roadway.
1. A patrol vehicle has a maximum speed at which it may be operated safely. Some of the limiting factors are:
 - a. the type and condition of the tires and ambient temperature.
 - b. the brakes related to the known characteristic of fading under severe use.
 - c. the limit of the suspension system to support the vehicle at maximum side thrust.
 2. There are limits on the driver's ability to safely operate a vehicle on a given roadway. Some of the limiting factors are:
 - a. experience and training in high speed operation.
 - b. familiarity with the roadway being travelled.
 - c. familiarity with the handling characteristics of the particular vehicle.
 - d. visibility and illumination in the area being travelled.
 - e. familiarity with obstacles, both present and potential, that must be avoided.
 3. Each roadway has a maximum speed at which a vehicle may be operated safely. Some of the limiting factors are:
 - a. curves and hills
 - b. condition and type of road surface.
 - c. rain, snow, ice, loose gravel or other foreign substance on the road surface.
 - d. intersections and entrances where other vehicles could suddenly and unexpectedly obstruct the roadway.
 - e. use of the roadway by pedestrians.

Therefore, there is no range of "safe" speed. Where there are many limiting factors of the type referred to, the speed may be described as "high", regardless of the actual speedometer reading. The police officer must bear in mind the danger created by the above conditions. The danger obviously increases when the police officer lacks knowledge of these conditions.

- A. A police pursuit occurs when an attempt is made to apprehend the driver of a motor vehicle and the driver is resisting apprehension by maintaining or increasing his speed or by ignoring the officer's attempt to stop him.
- B. The responsibility for the decision to pursue and the methods to be employed during pursuit rest with the individual officer. In arriving at his decision he must carefully consider all of the factors involved, including the seriousness of the offence, all the possible consequences, and of the utmost importance, the safety of all persons, including himself.
- C. The Highway Traffic Act provides that police officers engaged in the lawful performance of their duties are not bound by the speed limit. The officer should:
 - (1) utilize warning lights and siren if the patrol vehicle is so equipped.
 - (2) exercise the utmost caution so as to ensure the safety of members of the public and himself.
- D. Even though the officer is engaged in the lawful performance of his duties he is not relieved of his obligation to exercise due care, and excessive or negligent driving may well render both him and the force liable to criminal and/or civil action. It is his duty to avoid increasing the danger already created by the fleeing motorist.

III PURSUIT PROCEDURES

- A. Once a pursuit is instituted and it is feasible to do so, the pursuing officer should maintain communication with his dispatcher, relaying information such as the identity of his unit, identity of pursued vehicle, occupants etc., direction of travel, reasons for pursuit, and any other detail which will enable other officers in the area and the dispatcher to assist. In the case of a two-man car, the passenger should maintain radio contact.
- B. A secondary unit should be designated by the dispatcher, or the nearest available unit should act as the secondary unit. No more than two units should be directly involved. Avoid caravanning a pursued vehicle. The secondary unit should maintain a safe distance behind the pursuing vehicle but be close enough to render back-up assistance if and when required.
- C. The dispatcher has the following responsibilities:
 - receives and records all incoming information from the pursuing vehicle

- advises other units of the pursuit
- notifies shift supervisor
- performs relevant records and C.P.I.C. checks
- controls all radio communications during pursuit
- may direct termination of pursuit when it appears prudent to do so
- notifies Officer I/C of all details when pursuit is terminated for whatever reason.

D. The Supervisor has the following responsibilities:

- monitors progress of pursuit
- orders additional units to assist if necessary
- orders alternate tactics, roadblocks etc.
- orders termination of pursuit if circumstances warrant.
- follow-up review of procedures to determine if the actions of the officers involved were in accordance with force policies
- upon completion of the review and after the violator has been charged, the Supervisor should approach the Crown Attorney to press for a more severe penalty because of the violator's flight from police to avoid apprehension.

E. A police officer should bear in mind the various circumstances which permit the use of his firearm.

The Police Act of Ontario specifies the conditions where a police officer may draw and discharge his firearm. They are:

- a. for the defence of his life, or the life of another;
- b. to effect the apprehension, when other means are insufficient, of a person whom he, on reasonable or probable grounds, believes to be dangerous;
- c. to destroy a potentially dangerous animal or one that is so badly injured that humanity requires its removal from further suffering; or
- d. to give an alarm or call assistance for an important purpose, when no other means can be used.

The Criminal Code of Canada permits the use of such force as is necessary to apprehend a person who may be arrested without warrant, if the person flees to avoid arrest. The most reasonable and least violent means must be used. A firearm may be used during a police pursuit, but only as a last resort and where there is reason to believe the person is dangerous.

The safety of innocent bystanders must be a major consideration when the police officer is intending to discharge his firearm at or from a moving vehicle. Also, the following factors must be weighed first: ricochets, the danger of a car out of control, and the safety of any hostages.

When a suspect is fleeing from the scene of a crime in a moving vehicle, or the officer is himself in a moving vehicle, it is best to attempt to apprehend the subject through the use of police communications and cooperative police work, rather than by shooting at the vehicle. Except in extreme cases, the firing of shots at or from a moving vehicle is prohibited.

- F. The ramming of a pursued vehicle, for the purpose of stopping it, is discouraged. Ramming is the intentional contact or an overt move to make contact with the pursued vehicle by the pursuing vehicle, with a view to crowding or forcing it off the roadway and bringing it to a halt. Ramming is a very dangerous practice and is prohibited except in extreme cases.

IV. WHEN TO ABANDON PURSUIT

The pursuing officer must at all times use his best judgment in evaluating and reevaluating the pursuit and make a continuous appraisal as to whether he should continue the pursuit. The element of personal challenge should never enter into his decision. The proficient police officer is aware that the decision to abandon pursuit is, under certain circumstances, the most intelligent and most professional course of action. An officer should discontinue a pursuit when:

- (1) he is exposing the public or himself to high risk or unnecessary danger, or
- (2) continued pursuit is futile, or
- (3) the offence is not grave and the identity of the violator is known, or
- (4) the pursuing officer knows, or is almost certain, that the pursued vehicle is operated by a juvenile and the offence is not grave.

CONCLUSION

- A. It is difficult to describe exactly how a fleeing motorist can or should be apprehended, except to say that it must be done legally and safely. It is also difficult to list any particular traffic regulations that pursuing officers can or should not disregard. Likewise, one cannot set a safe, maximum pursuit speed or in all cases specify the maximum number of police vehicles that can be involved. Each individual pursuit has unique aspects. The pursuing officer, in a short period of time, will have to use his own judgment; collect his total resources, including his training and experience; bear in mind the policy, procedure and direction outlined in this guideline; and apply them collectively to the existing circumstances. If the officer feels certain that his "pursuit" is justified according to the established criteria and it can be performed in relative safety, he

should continue with intent to apprehend the suspect, all the while mindful of the safety of all concerned. Officers can never be indifferent to the safety of the public.

8. The Highway Traffic Act was amended, effective December 18, 1981, by adding a new section 189a.. The provision requires a mandatory three-year suspension of the driver's licence of anyone who wilfully engages police in a high speed pursuit.

This provision should be used in all appropriate cases.

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APPENDIX H
COMPARATIVE RISK
ANALYSIS OF
POLICE PURSUITS

POLICE PURSUITS - A COMPARATIVE RISK ANALYSIS

C.R. Eddie, P.Eng.
Member, Solicitor General's
Special Committee on Police Pursuits

Summary

The overall motor vehicle collision statistics for the Province of Ontario for 1983, as well as statistics for police pursuits, and impaired driving were reviewed to gain an appreciation of the relative hazards of police pursuits.

The nature of the available data does not permit a strict statistical analysis due primarily to the difficulty assessing the total travel involved in a pursuit, and the total distance driven by impaired drivers. Nevertheless, the following general observations can be made:

- police pursuit related deaths were 0.6 percent of the total highway traffic deaths in Ontario during 1983 (the last year for which complete data was available.) Injuries during police pursuits were an even smaller fraction of the total highway traffic injuries in Ontario, 0.2 percent.
- the risk of fatality for impaired drivers is ten to one hundred times greater than the risk of fatality for the general population of drivers in Ontario; and
- the risk of fatality during a police pursuit is roughly one thousand times greater than the risk for general driving, or ten to one hundred times the risk rate for impaired drivers.

Risk Rate for Ontario Drivers in 1983

The pertinent data for this part of the analysis was extracted from 1. "Ontario Motor Vehicle Accident Facts - 1983" published by the Ontario Ministry of Transportation and Communications, and is as follows:

- the death rate per 100 million kilometers travelled was 1.8 in 1983 (1. pg. 3);
- there were 1204 deaths, 91,706 injuries (1. pg. 3);
- the total distance travelled was 65,359 million kilometers (1. pg. 3); and
- the injury rate was then 140 per 100 million kilometers travelled (91706/653.59)

Risk Rate for Impaired Drivers in Ontario in 1983

The pertinent data for this part of the analysis was extracted from 1., and from 2. "Drinking and Driving: A Discussion of Countermeasures and Consequences" the report of the Premier's Interministry Task Force on Drinking and Driving, 1983 and is as follows:

- between 9 p.m. and 3 a.m. in the spring of 1979 a survey of 10,000 drivers revealed that 6.6 per cent were impaired (2. pg 7);
- during the 1982 R.I.D.E. campaign in Toronto 243 charges were laid when 61,970 drivers were stopped, less than 0.4 per cent impairment (2. pg. 24); and
- of drivers killed in motor vehicle accidents in Ontario, 41.8 per cent were impaired (1. pg. 16).

Further data from both publications was reviewed, but no clear conclusions could be drawn regarding the the total travel by impaired drivers in Ontario during 1983, except that the number is likely in the range from 0.4 to 6.6 percent. The risk rate then is in the order of ten to one hundred times the risk rate for a sober driver.

Risk Rate for Police Pursuits

The data for this analysis was obtained from the statistical analysis of police pursuits provided by the Ontario Police Commission. Seven people were killed in 1648 police pursuits in Ontario in 1983; this ratio of deaths to number of pursuits is not markedly different from the data for 1981 and 1982. To provide a basis for comparison it was estimated that an average distance of 100 km was driven by all parties directly or indirectly involved in the pursuit. For 164,800 km of travel, seven deaths occurred. The risk of fatality then is 4248 per 100 million kilometers, or 2500 times the risk rate for the general population. The number of persons injured in police pursuits was 173; the risk of injury then was 104,975 per 100 million kilometers or 750 times the risk rate for the general population. Considering the uncertainty in the underlying assumptions, the risk of death or injury in a police pursuit can be given no more precisely than roughly one thousand times greater than the risk rate for the general population of drivers in Ontario.

APPENDIX I
HELICOPTER REPORT

1-2

SPECIAL COMMITTEE ON POLICE PURSUITS
HELICOPTER SUB-COMMITTEE
PRELIMINARY (VERBAL) REPORT

April 15, 1985

SUBMITTED BY: J. Kirby Best
Sub-Committee Chairman

Mr. Chairman, I would like to speak briefly on our findings in regard to helicopters as an alternative to high speed police pursuit.

I must preface my remarks with the comment that the sub-committee has not had much of a chance to sit down and analyze some of the information that has been given to us. This is therefore just a preliminary report to give members a chance to see what direction we are heading, and to give them the opportunity for input into anything or any area they feel we should be addressing.

Basically, I would like to:

- (1) go through some opening remarks,
- (2) briefly touch on the O.P.P. visit,
- (3) go into some depth on the Baltimore visit,
- (4) go through the report outline, which is now in your hands (see attached).

We won't draw any conclusions until the final report is submitted.

Please feel free to stop me and ask any questions. We don't know whether we will be able to answer all or even any of them, but, if we can't, now is the time to be looking for the answers so that our final report is complete.

At this time, I would like to introduce Corporal Norm Kerr who is with the Helicopter Section of the O.P.P.

Corporal Kerr went with Mary-Louise and myself to Baltimore. He helped get information that otherwise would have been impossible to get. Not only is he a police officer, but a helicopter pilot as well which made him an instant success at the Helicopter Safety Seminar.

He is an invaluable source of information, outspoken, direct, and has been a great help to the sub-committee.

I believe the term is "An Officer and a Gentlemen", and a great credit to the O.P.P.

I hope he will give a brief talk on the O.P.P. helicopter division and answer any technical questions on helicopters you might have.

I want to add a few personal comments at this moment, I find it incredibly difficult and frustrating that the definition of a police pursuit does not seem to be universal, in fact, I would bet that this committee could come up with several definitions.

Although this is not a big problem in itself, it is when you take it to the man on the street, the police chief or captain, or the policeman on the beat. They too, all have different definitions.

So the frustrating part is that while we all use the term "police pursuits", we found that what we talked about to the Major in Baltimore was different than what the man on the beat in Baltimore thought. And this led to some confusion.

The second comment was that we were exposed to an exciting and relatively new police tool that has as much potential as the computer held for business 10 years ago. I was amazed at how the O.P.P., Baltimore, Maryland and the Bavarian Police Helicopter Divisions utilize helicopters. I will have Mary-Louise obtain copies of the Article on the Bavarian Police.

The problem to us was that we kept having to come back to our mandate, which is to look at helicopters as an alternative to high speed police pursuits.

I have tried to come up with a good analogy, but I haven't to date. It has just been told to me time and time again by the O.P.P., Baltimore, L.A., and Maryland Police that helicopter use in high speed pursuits played such a miniscule part in the activities of these divisions, so few, that some didn't even record it as a benefit of the helicopter division.

Enough of my comments, I will go straight to the O.P.P. visit.

ONTARIO PROVINCIAL POLICE VISIT

The whole sub-committee went to the O.P.P. Helicopter Division in Brampton, March 27th at 10:00 in the morning.

I mention the date only because the next day was an important day for both the T.T.C. and the city. The division was on a two minute alert, and could not take us on our planned ride. If you recall, that was the day of the Armenian bomb threat announcement.

Attending the meeting on the O.P.P. side were Staff Sergeant Bob Abra, Corporal Norm Kerr, Constable Sedgwick, and Staff Helicopter Engineer Doug Thurlbeck.

We, of course, told them why we were there and what our mandate was.

They began by explaining some of their problems:

Their jurisdiction in the Toronto area alone is comprised largely of long, straight highways such as the 401 and 400. Their helicopter flies at 120 mph. If they start flying after a suspect who is travelling say north on the 400 driving at 100 mph (not unheard of) into a head wind of 30 mph (also not unheard of) the helicopter would never catch the car. It's ground speed due to the wind, is only 90 mph.

Going with the wind would make a difference, so would a few bends in the highway because the helicopter obviously flies straight.

Two other factors which are critical are the length of the chase and where the helicopter is when the chase begins.

Factors such as these, are ones which might make the O.P.P. set up not suited to our application.

It would be vastly different if you had helicopters set up for this type of activity in an urban environment.

Not to take away from Corporal Kerr's talk, they explained some of the other uses:

1. Search and Rescue - 70-80/year
2. Aerial Surveillance and Photography - legal purposes/ strike location/stake outs
3. Airport Problems
4. Boating Accidents
5. Drowning Accidents
6. Armed Robbery
7. Sniper
8. Missing Patients
9. Missing Persons (such as the recent Crispin case)
10. Medical Evaluations
11. Traffic - early reporting
12. Support in Criminal Investigations
13. V.I.P. Travel

They operate a Bell 206 Long Ranger and a Bell 206 Jet Ranger, both sophisticated turbine equipment. Their Long Ranger flies approximately 600 hours per year, and their Jet Ranger flies approximately 800 hours per year.

As for the cost of operating this branch of the O.P.P., I could give out figures of between \$150,000 to half a million depending on several factors which I will get into later, but in depth in the final report.

The O.P.P. are a wealth of information, and I hope you will draw on it through Norm Kerr at the end of his talk.

BALTIMORE VISIT (April 10th, 12th, 1985)

It is hard to believe how much time and effort was expended answering our questions and filling us with facts and figures during our visit to Baltimore.

Major Raffensberger is head of the Tactical Division of the Baltimore Police Force, he is also Vice-President of the Airborne Law Enforcement Association, the association which put on the Helicopter Safety Seminar we attended. He was the man featured in the W-5 program.

Although I have had all weekend to pour over my notes, I came to the conclusion that point form summary was the best method of presentation for now.

- . they fly five (5) Hughes 300C - (see brochure enclosed)
- . they fly sixteen (16) hours a day - four two-hour flights - two (2) shifts. That means one crew and pilot observer flies over the city for roughly two hours, they are relieved by a second helicopter. They rarely have two helicopters flying patrol over the city at one time.
- . sixteen (16) member airborne division
- . located at local airport, 6-8 minutes flying time to the city (roughly equivalent to a little bit north of King City)
- . each ship flies 500 hours per year over Baltimore which is roughly 89 square miles with a night time population of 800,000 but well over a million during the day
- . the helicopter division has assisted directly in over 7,000 arrests since its inception

- . their pilots must have a minimum of 1400 hours of helicopter experience, and they are full policemen
- . there is direct communication between all helicopters and all police cars
- . their helicopters are on "aggressive" rather than "passive" patrol, which means the aircraft and crew are not simply waiting for something to happen
- . computer analyses examining the pattern of criminal activity in the city are regularly undertaken
- . these analyses target key crime areas, the type of activity most likely to occur, the most likely time such activity occurs, by what means, and potentially by what type of suspect
- . the helicopters use this knowledge in their "aggressive" patrols
- . their program was started to combat
 - burglary
 - street robberies
 - stolen cars
- . every goal the department set was exceeded during their 1st year of operation
- . if the weather has closed in, crews are sent out on regular patrol
- . "most value for the dollar" (Major Raffensberger)
- . they stress safety
- . they have had no serious accidents in 15 years
- . they hold regular public awareness programs

- . they have never lost a man or car they were following in 15 years
- . they fly in complete nomex suits and helmets
- . they fly at 250-300' during the day and 400-600' during the night
- . one pilot commented that he found night flying far easier than day flying
- . they found the public loved getting involved in the numbering program (a program wherein service vehicles, interested establishments, private homes, and apartment buildings were equipped with numbers readily identified from the air)
- . the helicopter can do an area search in less than one minute (such as a warehouse area and rooftop) where as it would take 6 men over an hour to accomplish the same search
- . they have changed their shifts over the past few years to reflect the criminal activity
- . Major Raffensberger gave several ideas for the set up and implementation of an Airborne Division (which we will include in our report but not here)
- . in 1970, 60 police agencies operated with 130 aircrafts, and in 1982, 335 police agencies operated with 1180 aircrafts
- . 40-60% growth is predicted in the next 5 years for police helicopters.

PROBLEMS THEY HAD:

1. overcoming the reaction that this "new fangled" idea of helicopters was too expensive, unproven, and what they really needed were more men and cars,
2. once they had helicopters, the problem arose that ground officers thought Headquarters was spying on them,
3. in the early stages, there was a reluctance to radio the helicopter until an officer thought it was important enough, (not a problem now)
4. they warned us to start with enough helicopters and crews so that we avoid any ground comments of "you are never there when we need you",
5. they have some trouble with pilots pay because after a pilot has accumulated several thousand flight hours he becomes a very expensive commodity on the free market, and commercial operators will offer them significantly higher salaries,
6. they have trouble getting funds for pilot training to keep them current with new techniques and safety procedures,
7. they have trouble getting funds for men to go to seminars such as the one we attended.

BALTIMORE

- . they have 16 men/5 piston Hughes 300 helicopters
- . they fly 3200 hours/year
- . their budget is \$283,000 which does not include salaries
- . Baltimore has its maintenance done by an outside commercial company

MARYLAND STATE POLICE however:

- . fly 9 Jet Rangers and one Mammoth Huey Helicopter and one other
- . they have a staff of 58 - which includes 11 civil members
 - 8 mechanics
 - 2 secretaries
 - 1 caretaker
- . their budget is 3.8 million
- . they fly mainly medivac - an air ambulance service. Major Moore of the Maryland State Police stated that they had tried to equip some large ships as mini-hospitals, but found that the little Jet Ranger was quite sufficient because of what they called the "Golden Hour". This is the hour after a serious accident which is the critical make it or break it period.

Mary-Louise did get more written information on this concept and we will include this in the final report.

We also received when we were down there, a report done by the city of Fort Worth, Texas.

This report contains an unbelievable amount of information on most of the U.S. cities using helicopters:

- . the number of helicopters
- . make and model
- . hours manned per week
- . their basic functions
- . pilots needed for a 7 day - 24 hour operation
- . problems maintaining pilot staffing
- . pilot callback for off hours
- . compensation for callbacks
- . number of pilots
- . top salary of Chief Pilot

- . top pilots salary
- . contracted or in-house maintenance
- . number of mechanics
- . mechanics' other duties
- . chief mechanic's top salary
- . mechanic's top salary
- . new purchasing method - frightening from a financial stand point
- . helicopter replacement program
- . whether they add more units from the private sector if needed
- . contingency fund maintained for unscheduled maintenance
- . cumulative reserve fund for new helicopter purchase
- . number of hours budgeted for
- . population and square miles
- . high rise evacuation plan involving helicopters
- . what method of rooftop rescues made
- . are the helicopters commercially insured or self insured
- . equipment carried on board.

A very comprehensive document.

We also received from the Baltimore city police (which we will include in our final report), the 1984 summary of activities of the helicopter unit and an analysis of all incidents resulting in helicopter arrest assistance from January 1st, 1984 to December 31st, 1984 and from 1971 to 1983. Also, "the direct calls for service from 1972 - 1983" (the total was 153,273 calls).

Although that was a pretty quick summary, we just have not had enough time to analyze the massive amount of information we received.

I would like to move on to the report outline.

DIRECT BENEFITS

Helicopters are being used by the police for such tasks as:

1. Searches - (a) missing people
(b) escaped prisoners/patients
(c) areas of suspected criminal activity
such as roof tops or behind warehouses
(d) accident victims - boating
- mid-air crashes
2. "Medivac" - medical problems such as - (a) organ transport
(b) blood movement
(c) patient transfer
3. Transportation of specialists to scene - (a) bomb squad
(b) swat teams
(c) K-9 specialists
4. Overt & Covert Surveillance - (a) drug dealers & deals
(b) suspected criminals
(c) gambling
(d) growing fields of drugs
5. Serious Accidents - (a) automobile
(b) industrial
(c) aircraft
(d) boating - removal of victims
6. Armed Robbery Surveillance
7. Aerial Photography - (a) legal purposes/crime scene
(b) planning stake-outs
(c) crime protection
8. Snipers

9. Traffic Related Problems - (a) getting disabled vehicles out of way
(b) routing ambulances
(c) routing police & fire vehicles
10. School Vandalism
11. Roof Top Fire Escapes
12. Safety on the City's Waterfront
13. High Speed Police Pursuit - What was pointed out time and time again was that High Speed Police Pursuits constituted a very small percentage of the total usage of the Baltimore helicopter Division (0.5 to 1% per year).

As mentioned before, all the above direct benefits can be measured. It is the indirect benefits that are hard or impossible to measure.

1. How many high speed chases were never started because the driver believed his vehicle could not escape the "eye in the sky"?
2. How many rapes were prevented?
3. How many armed robberies were stopped?
4. How many auto thefts were prevented?

The list goes on and on.

LOS ANGELES

biggest single benefit was the reduction of school vandalism

our Toronto vandalism cost the taxpayers \$1.2 million last year (a morbid but interesting note is that the L.A. Police Chief who set up their helicopter division said that they allocated \$200,000 to each death, as the value of life).

Problems Associated With Helicopter Use:

Safety - We are still looking into this, but the one example that we can follow is Baltimore, and they have had no serious accidents in the 15 years of operation.

Weather - 15-30 days/year of no flying in the Toronto area. The Baltimore police will not fly over the city if the wind speed is greater than 20 knots, or has a gust speed of ten knots.

Noise - I can't recall the exact noise levels, but roughly a tractor trailer is noisier at 250' than the helicopters the Baltimore Police Force use when they are over-head. They have had some noise complaints, but every citizen has the right to phone the division and get an immediate answer as to why the helicopter is hovering over their area. They have more complaints asking when the helicopter will be over their area again, and why it isn't there now.

One common misconception is that the helicopter spends a lot of time moving very slowly over the ground. 90% of the patrol flights are at speeds between 60-90 mph.

Night Use - The pilots in Baltimore just don't see night flying over the city as any problem. As I said before, two stated that they preferred night flying.

City of Trees - I don't want to touch on this one until we have flown over Toronto ourselves (scheduled for 4/25/85).

Topography - No question that the city has problems with regard to where to land if an engine quits, but some pilots will argue that Toronto has a lot more areas then originally thought.

We have to go back and look at the Baltimore record of no accidents in 15 years.

The one accident you hear about in N.Y.C. was caused by a private plane making a too low approach to the airport which resulted in a mid-air collision.

The roof top heliport controversy is something we will address in the final report.

TYPES

Types of Helicopters for light police work:

PISTON

- Rotorway Executive
- Hughes 300
- Enstrum
- Robinson R22
- Old Bell 47

TURBINE

- Bell 206 Jet Ranger
- Hughes 300
- Aerospecial A-Star

PRICE

They range in price new from:

- 60,000 for the Executive*
- 160,000 for the Hughes 300*
- 160,000 for the Enstrum*
- 110,000 for the Robinson R22*
- 70,000 for the Old Bell 47*

to half a million for anyone of the 3 turbines*.

Their performance, and comparison of their costs will be addressed in the final presentation, as will 4, 5 and 6 of the outline.

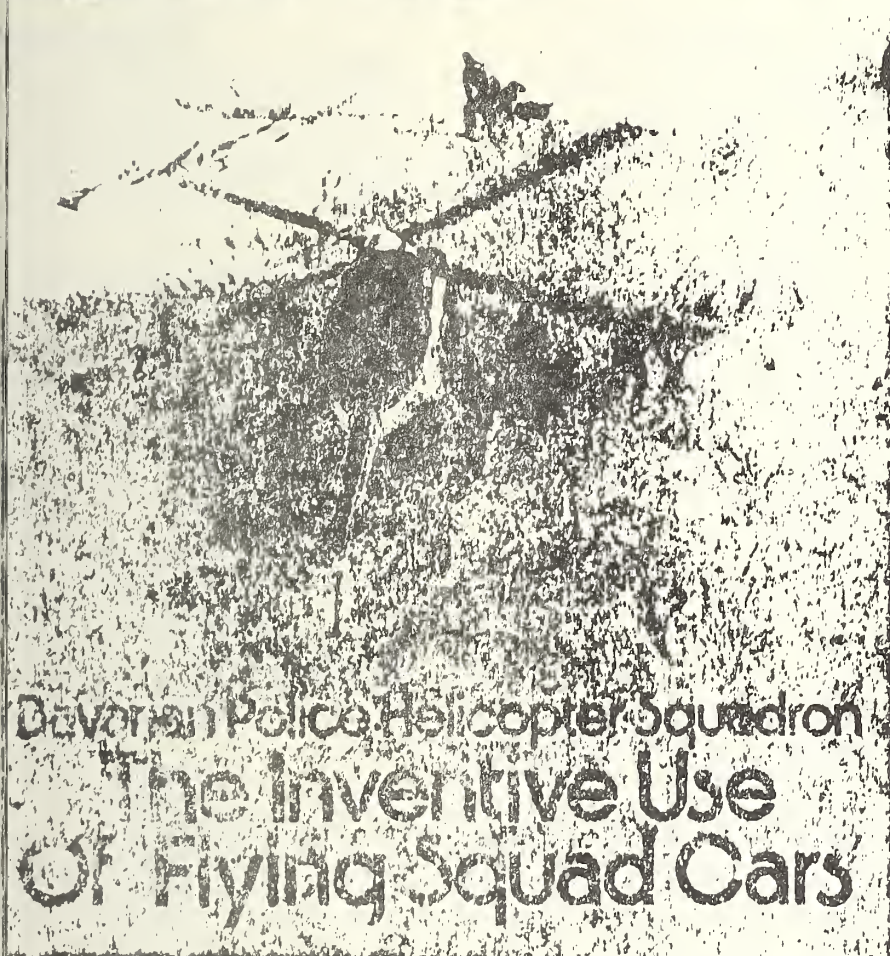
COSTING

The type of costing used by helicopter operators is as varied as the definition of a police pursuit. I would like to go into considerable detail, Mr. Chairman, in the final report as to why the city of Baltimore says it costs \$35.00/hour to operate their machine, and yet it costs just under \$200.00 an hour to lease one up here. It can be explained, but it takes time.

In our non-conclusive conclusion, we will find it very hard to justify the use of helicopters solely for the purpose of curtailing high speed police pursuits, but it will not be hard to cost justify their use in police work.

We hope you will take the time to listen to Corporal Kerr and ask him any technical questions.

* All unnegotiated prices.



Bavarian Police Helicopter Squadron The Inventive Use Of Flying Squad Cars

Although law-enforcement agencies aren't often credited for being creative, the Bavarian Police's imaginative utilization of its helicopters can best be described as 'sehr gut'.

By Steve Wartenberg

In my country, nobody can imagine police operations without using helicopters. The police helicopter can be used for an incredible number of tasks . . . plus every day we come up with new [types of] missions . . ."

The country is West Germany and the salutary comments regarding law-enforcement rotorcraft come from Dieter Thienel, chief of the Bavarian Helicopter Squadron. He is a veteran of police-helicopter activity in

West Germany, having served the squadron since its pilot training began close to 20 years ago.

There are currently 38 police helicopters divided among West Germany's 11 states. Bavaria is the largest state, encompassing about one-fourth of the country. It comprises 27,240 square miles (70,550 km²), making it slightly smaller than the neighboring nation of Austria. About 11 million people live in this largely alpine region in southern West Germany and 872 miles (1,400 km) of federal highway criss cross within it.

With nine aircraft, the Bavarian police operate the nation's largest law enforcement-helicopter fleet. Eight are stationed in Neubiberg, 6.2 miles (10 km) southeast of Munich, and one is in Northern Bavaria. This last aircraft is on 24-hour standby for emergency missions and is replaced by one of the remaining eight when it needs repairs.

Love at first sight

All of the helicopters are Messerschmitt-Boelkow Blohm products; eight are BO-105s and the ninth is a BK-117 delivered in June 1983. Thienel said it was "love at first sight" for the BK-117.

"The 117 is only a little larger than the 105 but it can carry six passengers in normal configuration [as compared to three in the BO-105] and nine in special configuration. It has enough power for mountain missions and more speed than the 105."

The BK-117 is IFR equipped, as are three of the BO-105s. It accumulated about 600 hours during its first year of operation and the BO-105s average about 800 hours a year. The squadron has 16 pilots and 16 flight engineers—all considered policemen first and pilots and mechanics second.

Policemen first

In fact, all 32 were policemen first, the squadron selects its members from the ranks of the police force. With very few exceptions, none of the pilots had previous helicopter experience.

In Europe, with the exception of Belgium and Great Britain, the preference for police officers as pilots is fairly standard. Thienel believes policemen are most adept for the job. "The pilot must be able to think and act tactically," he commented.

Helicopters were first used by the German

police in 1962. Bell 47s were employed for traffic observation, which is still the primary mission of police helicopters. The Bavarian police helicopter squadron was started in 1970 but can actually trace its roots back to 1966, when pilot training began. There wasn't enough money to buy helicopters then, so the pilots were "loaned" to the federal border police, where they were able to keep proficient. In 1970, only months after MBB first put its new twin-engine helicopter into production, the first BO-105 arrived and the squadron was finally established.

Traffic-related operations still make up most (50% to 60%) of the Bavarian helicopter squadron's activities. Congested streets and roads and traffic accidents, particularly along the expressway-like autobahn, are as commonplace in West Germany as they are in the United States.

During weekdays, generally two to three helicopters are in the air at all times observing traffic; on weekends an additional aircraft is employed. German studies have shown that a helicopter can cover 15 to 20 times more area than a patrol car.

Accident scenes

When a helicopter crew spots an accident, it will land immediately, while notifying other police officers and rescue personnel. Typically, Thienel said, "the crew makes the accident site safe, clears the roadway, sets up diversions, regulates the traffic, and begins the investigation until the other police officers arrive."

Because the helicopter is most useful in the air, it stays at the accident site no longer than necessary. Once ground-vehicle police arrive, the helicopter usually lifts off to help unclog congestion or, in case of serious injury, transport the victim to the nearest hospital.

Each of the squadron's helicopters carries two large banners with the word "congestion" spelled out in large letters. These banners are fixed on the railing of motorway overpasses when there is an accident or traffic jam ahead. Thienel said these banners are also standard equipment on patrol cars but they don't do much good when the patrol car is stuck in the traffic jam.

Approximately 30% to 40% of the squadron's missions are in public-service work other than traffic control and for backup to detective squads, while another 10% are categorized as special missions.

Demonstrations

At large events such as soccer games, concerts, and festivals, the helicopter is on hand to watch for demonstrations, a not-so-infrequent occurrence in West Germany. Apart from general reconnaissance activities, Thienel reports, "the helicopter can follow the march [demonstration] to see if it divides or forms new processions in other locations... the head office is kept informed of exactly what is going on."

If violence erupts, other tactics are taken. "The police helicopter can be employed tactically to speak directly to the demonstrators through loudspeakers. Occasionally the number of the demonstrators is turned toward the helicopter and, since there is no way they can reach it even by throwing rocks, they usually prefer to disperse. Often it has been the presence of a helicopter alone that has dissipated demonstrations prematurely."

The squadron has also started spraying tear gas directly from helicopters, with effective results. According to Thienel, it's better



After climbing out onto a BO-105's skids (opposite page), a specially trained antiterrorist task force practices rappelling down 45-foot ropes (left). The Bavarian police's Boelkows are even occasionally used for external-lift work (below).



than ground spraying and the very nature of using a helicopter seems to have an adverse psychological effect on demonstrators.

A sign of the times is the helicopter squadron's role of transporting specially trained antiterrorist squads to, say, an embassy takeover. When landing is not possible or desired, a four-man task force rappels down 45-foot (13.7-m) ropes. These antiterrorist personnel have trained to climb out onto the skids, rappel down ropes, and jump from heights up to 10 feet (3 m) above the ground. Fortunately, according to Thienel, these specially trained Bavarian police have never had to fire on criminals or free hostages.

SAR, firefighting, et al.

Because the helicopter can cover a lot more ground than a squad car, it's commonly used for search and rescue (SAR) as well. And in emergency situations, it can transport trained mountain climbers to avalanches, slingload a water bucket for firefighting, haul emergency equipment to airplane crashes, and disperse a binding agent on oil spills. The rotor downwash is particularly



effective in dispersing the agent.

The Bavarian police have found that the helicopter is also useful in flying decompression chambers to lakes, when divers surface too quickly and consequently suffer from the bends. In the past, a BO-105 would merely sling a decompression chamber to the site but now, with the larger BK-117, the chamber can be slid through the aircraft's rear clamshell doors and into the cabin, thus the victim can be flown immediately to a hospital. Such a mission has already been carried out and proven quite successful.

The brawnier BK-117 is also more useful in fighting fires. While the BO-105 can carry a 132-gallon (500-l) bucket, the BK-117 can lift 238 gallons (900-l) of water.

Staying clear

The Bavarian police helicopters aren't exactly bulletproof; therefore, Thienel said, "An operation within the radius of a law-breaker's firearm is only undertaken in extreme emergencies."

IFR missions are particularly important—even though the helicopters are normally used for observation. The helicopter can, for example, depart in IFR conditions to a destination that will allow VFR flight. This situation occurs often in the mountains, where the valleys are fog-covered but the high points are clear.

When asked if the high cost of police helicopters is worthwhile, Thienel answered with an emphatic yes. Citing the helicopter's role in rescues and other services, he states, "Of course the helicopter is expensive but when you know how and when to employ it, it performs an outstanding service for the community." ■

APPENDIX J

**RECOMMENDED DATA
TO BE COLLECTED
FROM ONTARIO POLICE FORCES
ON VEHICLE PURSUITS**

SUGGESTED DATA TO BE COLLECTED AND REPORTED ON ALL PURSUITS

Logistics

time started:
time terminated:
elapsed time:
distance travelled:
speed limit:
range of speed:
reason for initiating pursuit:

Driver of pursued vehicle

age:
sex:
type of vehicle:
reason for failing to stop:
charges laid:

Driver of police vehicle

age:
sex:
rank:
years as police officer:

Conditions

weather: clear; cloudy; rain; fog; mist; snow;
light: daylight; dawn; dusk; dark;
road surface: dry; wet; snow; ice; construction;
type of area: playground; school; residential; commercial;
highway;

Firearms discharged

NO
YES (attach details)

Termination/result of pursuit

Accident: (attach details)
.fleeing driver with 3rd party vehicle or obstacle
.fleeing driver with police
.Police with 3rd party vehicle or obstacle

Driver safely apprehended:
.voluntarily stopped
.forcibly stopped (attach details)

Driver escaped apprehension

Decision to abandon

Convictions

